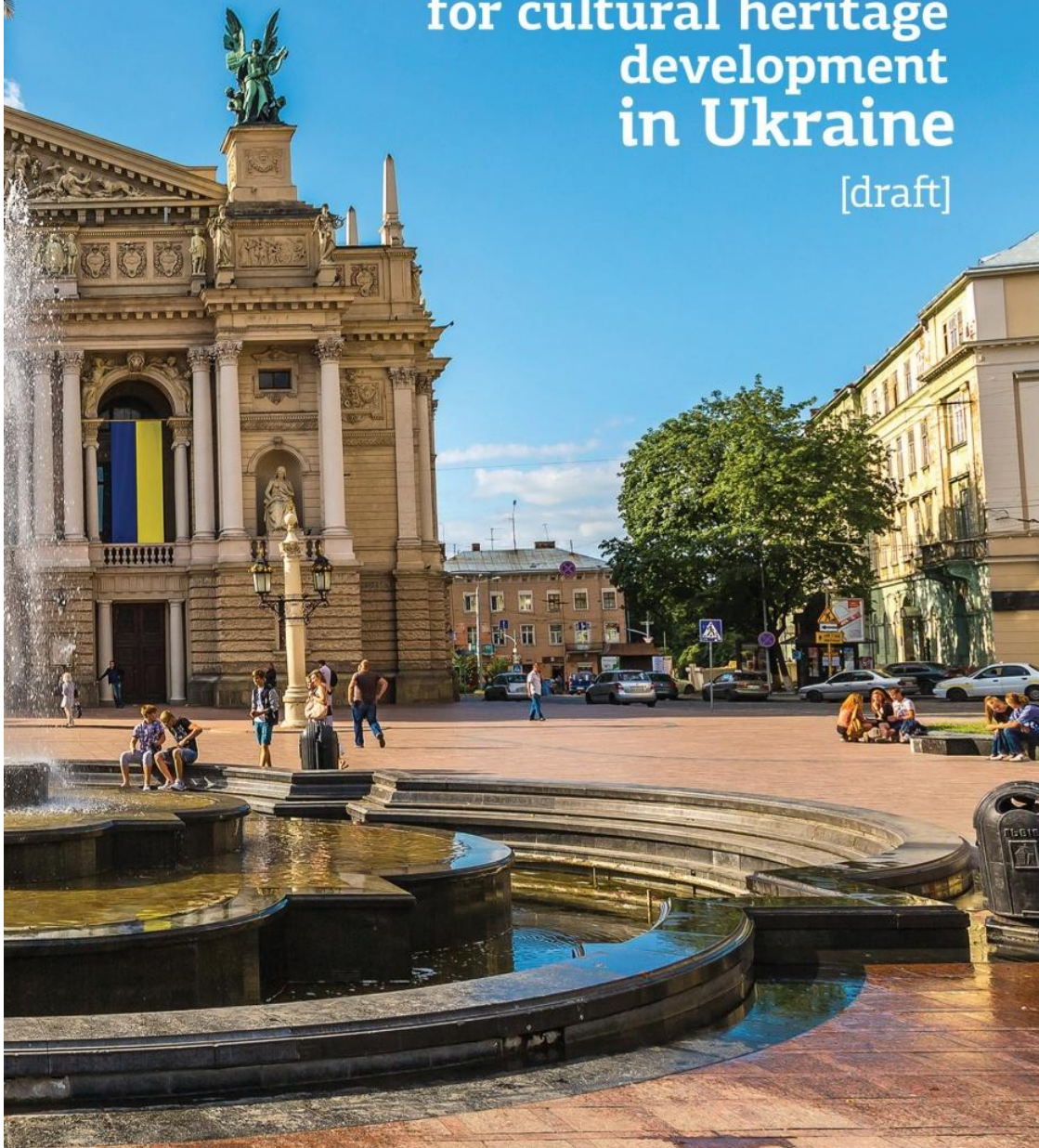


# National policy for cultural heritage development in Ukraine

[draft]



The project of Regional Co-operation  
for Cultural Heritage Development  
European Commission

**The European Commission project  
Regional Cooperation for Cultural  
Heritage Development**



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**CONCEPT OF NATIONAL POLICY  
ON CULTURAL HERITAGE DEVELOPMENT  
IN UKRAINE  
(draft)**

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**Kyiv 2014**

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и **престиж**  
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The main project partner is ICOMOS Georgia. The partners include ICOMOS Armenia, LLC Arkhitektura i prestyzh (Ukraine) and the Norwegian Directorate for Cultural Heritage. Associated partners include the Caucasian Environmental NGO Network (CENN); the Erebuni Historical and Archaeological Museum-Reserve (Armenia); and the Institute for Heritage Research (Ukraine).

The paper deals with problems associated exclusively with immovable historical and cultural heritage. The concept of a national policy on the immovable cultural heritage of Ukraine is offered. This concept takes into account the needs of sustainable urban development, promotion and preservation of heritage through restoration of the nation's historical memory and identity. The concept proceeds from the premise that the path to European integration, which has been chosen by the Ukrainians and has already cost them thousands of lives, is irreversible.

The work on this document took place in difficult conditions. It started under a corrupt government and a social decline, and now it is being completed in the conditions of a debilitating armed conflict with Russia, as a result of which a part of Ukraine's cultural heritage is now in the Russian-annexed Crimea and another part is in danger of destruction as a result of continuing hostilities. However, now that the new Ukrainian government has signed the Association Agreement with the European Union and the Ukrainian people are determined to make a complete overhaul of their country, the development of a concept of national policy on preserving cultural heritage, dedicated to the European choice of Ukraine and its national unity and identity, is even more relevant than ever.

The document analyses the state of cultural heritage in Ukraine, its legal and normative bases; provides recommendations for the reform of urban policy, with special attention to cultural heritage; the restoration branch and cultural tourism development; and the improvement of legislation, management and administration in the field of cultural heritage. In order to improve the resource support of the cultural heritage conservation and restoration processes, the concept analyses the possibility of creating charity and tax relief systems and raising awareness

about the importance of cultural heritage preservation to encourage the general public to participate in this effort.

The sources for the development of the concept include the results of research by local and international experts, surveys, consultations, special researches, as well as printed articles and electronic publications on the subject, among them those created for the project Regional Cooperation for the Development of Cultural Heritage under the Eastern Partnership Culture program in 2011-2014.

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This concept paper includes only some of the issues which a national policy covers in the field of cultural heritage. The document analyses the following: the regulatory framework and the administration and management system; the problems of funding for and the protection of cultural landscapes and views; the concept of cultural tourism development; the methods of resource support for the conservation of immovable cultural heritage; international cooperation in the field of conservation and development of immovable cultural heritage; and relevant issues of urban policy. Other problems are discussed tangentially and require further study.

**Required links:**

<http://www.euroeastculture.eu/en/granted-projects/view-29.html>

<http://www.rcchd.icomos.org/ge/?l=E&m=4-4>

<https://www.facebook.com/pages/Regional-Cooperation-for-Cultural-Heritage-Development/197901370332029>

[https://www.facebook.com/NationalPolicyforCulturalHeritage?ref\\_type=bookmark](https://www.facebook.com/NationalPolicyforCulturalHeritage?ref_type=bookmark)

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## **1. Historical and cultural heritage in Ukraine.**

### **1.1. The current status of cultural heritage in Ukraine.**

The cultural heritage of Ukraine is an integral part of world cultural heritage. The need to preserve it is written in the Constitution of Ukraine(<http://zakon4.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>),to the Law of Ukraine On the Protection of Cultural Heritage and other legal acts.

The preservation and accumulation of cultural values is a priority of state policy in the sphere of culture. According to international conventions ratified by Ukraine,protecting the cultural heritage is this country's international legal obligation to the world community. The protection of cultural heritage is one of the priorities of the national and local governments, which is enshrined in the Law of Ukraine On the Protection of Cultural Heritage, which defines the main provisions of national policy in this area.

In almost all countries of the former Soviet Union and Eastern Europe, a hierarchical structure of accounting of architectural monuments has been preserved. The first group includes registered UNESCO World Heritage sites(Georgia has 3, Armenia – 8, Ukraine – 8, and Moldova – 1), which is less than 2% of the total number of World Heritage sites (a total of 1007 on the List in 2013). The density of historical heritage sites is quite high, but the procedure for having them included on the World Heritage List is still difficult for many countries.

Thus, there are a total of 143,424 monuments on the national register in Ukraine. Of these,there are 16,874 architecture and urban planning monuments; over 64,000 archaeological monuments; over than 54,000 historical monuments; 7,000 monumental art objects; 272 landscape art monuments; and four landscape monuments. In percentage terms, 49.8% are archaeological monuments, more than 37% – historical monuments, more than 11% – monuments of architecture and urban planning, and over than 2% – monumental art, science and technology, and landscape art monuments. As a rule, the general public is most interested in monuments of urban development and architecture, as well as historical and cultural reserves created on their basis.



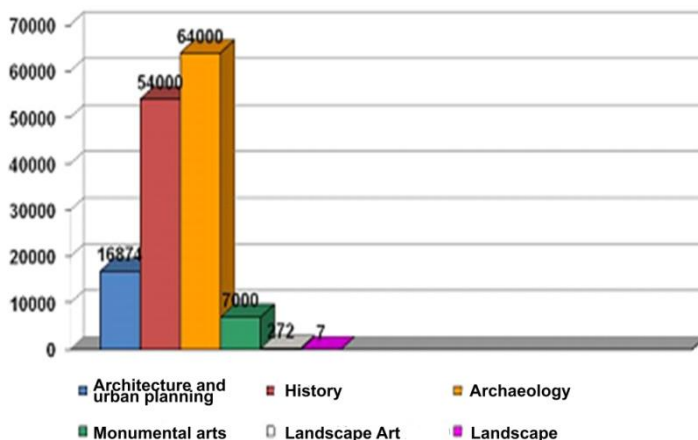


Fig. 1. Categories of monuments.

Nearly 1,500 Ukrainian cities and towns and more than 8,000 villages have valuable objects of cultural and historical heritage. In addition, about 9,400 settlements of Ukraine have between them more than 70,000 cultural heritage sites, still in need of further research and registration. Furthermore, 401 towns are included on the Historic Settlements List approved by the Cabinet of Ministers of Ukraine on July 26, 2001

Organized on the basis of a complex of monuments of special cultural value, 63 *historical and cultural reserves* function in Ukraine. A third of them have national status; 25 historical and cultural reserves are directly subordinate to the Ministry of Culture of Ukraine.

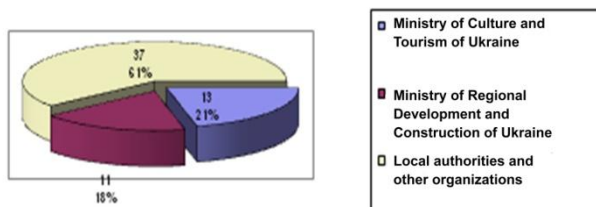


Fig.2. Subordination of historical and cultural reserves

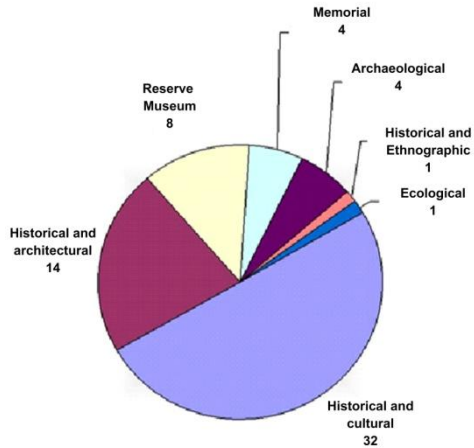


Fig. 3. Classification of historical and cultural reserves by type

As of 01.01.2013, the Ministry approved the boundaries and regimes of usage for 28 historic sites. It also developed 126 sets of scientific and design documentation for the definition of borders and regimes of usage of zones of protected cultural heritage.

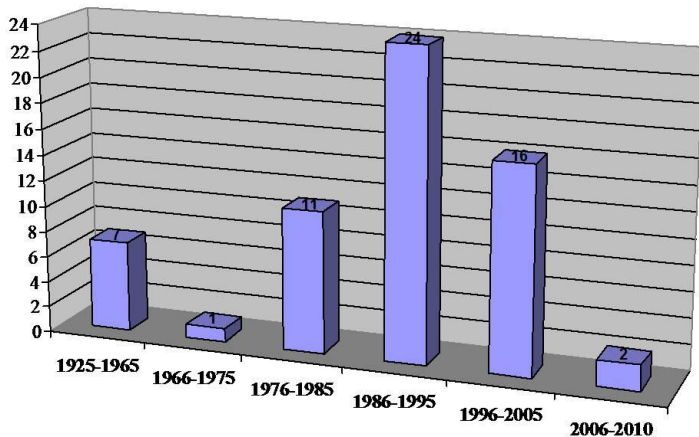


Fig. 4. Number of established historical and cultural reserves by period

*The state register of immovable monuments of Ukraine* was formed in 2005 and currently includes 5,256 objects, of which: 1,977 are historical monuments, 177 monumental art monuments, 1,028 archaeological sites, 19 science and technology monuments, 2,032 architecture and urban planning monuments, four landscape and ten landscape art monuments, and nine urban planning monuments. In 2012, the Register of Monuments listed 1,439 monuments, of which 1,292 had local and 147 national (Table 1).

Storing objects of cultural heritage in the State register of immovable monuments of Ukraine is carried out in accordance with *the category of monument*. Monuments of national significance are registered by the Cabinet of Ministers of Ukraine on the proposal of the central executive authority in the field of cultural heritage protection; monuments of local significance are registered by the central executive authority in the field of cultural heritage protection on the proposal of the relevant authorities of cultural heritage protection or on the proposal of the Ukrainian Society of Historical and Cultural Monuments; by other community organisations, whose statutory tasks include the issues of cultural heritage protection.

Perhaps it's time to raise the issue of changing the terms of the national or local "significance" to "submission", because the significance of any monument, regardless of its size, time of construction, state of conservation, etc., is measured primarily by its historical and cultural value, as one of the aspects of the summary memory of the people.

This term probably remains from the Soviet era, when ranking sites on the hierarchy of significance provide their immunity: the status of "national" ensured greater security (though not always), and now, apparently, it is more correct to talk about the level of subordination of a monument to the governmental custody rather than about its intrinsic value, which is immeasurable.

More wide spread decentralization will help to raise the status of local monuments, turning them from second-class objects to the main decoration and pride of every small village.

**Table 1. Number of cultural heritage monuments included on the State state register of immovable monuments of Ukraine as at 01.01.2013**

№ o/n	Region	history		monumen- talart		archeology		Science and technology		Architecture and urban planning		landscape		landscapeart		Urban planning		Total
		national	local	national	local	national	local	national	local	national	local	national	local	national	local	national	local	
		1	Crimea	26	405		16	23	35		1	14	236				3	
2	Vinnitsia	7	3	2	1	19	1				7							40
3	Volyn	7		1	1	15	2				14							40
4	Dnipropetrovsk	10	78		5	13	102			1	12							221
5	Donetsk	3	45	2	2	9												61
6	Zhytomyr	3	4	1		12												20
7	Zakarpattia		1	2		13												16
8	Zaporizhia	3	1			9	127				14							154
9	Ivano-Frankivsk	9	6	1	2	12	16			9	9							64
10	Kyiv Oblast	6	50		1	25	2			7	72		1					164
11	Kyrovohrad	2	1		3	4	11				16							37
12	Luhansk	7	373		28	3	6			9	22							448
13	Lviv	15	7	3		14	1		1	7	33							81
14	Mykolaiv	2	2		1	27								1				33
15	Odessa	2	108	5	20	16	2	1	5	2	862			2				1025
16	Poltava	14	4	5		13					1							37
17	Rivne	1	2			16	1				1							21
18	Sumy	8	27	3	10	20	27			6	12							113
19	Ternopil	2	37			3	58		1		1							102
20	Kharkiv	10	123	4	5	15	85		1	5	11			1				260
21	Kherson	2	2	2		30												36
22	Khmelnytskyi	5	121	1	3	11	19	3		2	5							170
23	Cherkasy	9	20	1	4	29	5			1	10		2	1				82
24	Chernivtsi	4				14	7				33							58
25	Chernihiv	46	9	1	1	32	67			1	81			1				239
26	Kyiv	124	215	9	26	23	2	1	5	2	514		1	1	6	1		930
27	Sevastopol	4	2	5		14	18											43
Total:		331	1646	48	129	434	594	5	14	66	1966		4	1	9	6	3	5256
		1977		177		1028		19		2032		4		10		9		

Furthermore, the distribution of monuments to the monuments of architecture, urban planning, history, archaeology, monumental art, science and technology and the landscape is also quite artificial and does not meet the current tasks of preservation and development of cultural heritage, providing its existence in a sustainable urban development. For example, historic houses may be in the group of historical monuments, architecture or urban planning; monuments of outstanding people or burial places - in the historical monuments or monumental art monuments. So there's a need of comprehensive approach to environmental protection and classification of individual objects of immovable heritage through its historical function<sup>1</sup>.

Moreover, the Register includes more than five thousand monuments, and their total number is more than 140,000. Since the Soviet era this list includes objects that today should be excluded from the list of cultural monuments of independent Ukraine, however, continue to be registered.

It should also be noted that in the Register *there is no concept of "cultural landscape"* and such important elements of the historic urban environment as monuments of urban planning and landscape presented just a single object (4 and 9 – see Table 1). In addition, the presence of category called "the Subject of Protection" makes the procedure of filling the Register a very difficult process<sup>2</sup>.

However, *none of the monuments included in the Register, except for World Heritage objects, are fully provided with the necessary documentation.* Namely: a protection agreement, a passport, and for the reserves and protected areas - the management plan and the plan of organisation of the territory.

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<sup>1</sup>For example, in Georgia the Register includes following monuments: housing; landscape; religious; fortifications; secular; tombstones; town planning; archaeology; rural archaeology; dwellings; hewn in rock; lives-tock; prehistoric; engineering structures; and industrial.

<sup>2</sup> For further details see O.Plamenytska, "The case of "the Subject of Protection" of an architectural monument as a methodological problem" / Ukrainian Academy of Arts. Research and methodological work.Vol. 21. - K., 2013. - P. 133-146.

Monuments that have no protection documents continuously destroyed. Ukraine annually loses more than 100 objects of cultural heritage.

Declared heritage preservation is not guaranteed by the State, and the heritage is at risk of permanent damage. This trend has spread massively over the past ten years.

Over the past seven years in some regions, cultural heritage suffered greater losses from demolitions and reconstructions than even during the years of World War II. Moreover, alongside direct destruction of monuments there are falsifications of history, construction fakes, and clones, all aimed to destroy the nation's historical memory. A striking example is the continuous attempts to build a new cathedral of the Moscow Patriarchate directly on the remains of the Tithe Church, thus securing Muscovy's grip on "common Slavic history." In the context of the uncertain status of the monument, reconstruction often takes the form of non-professional simulation.

The Report of the Ministry of Culture of Ukraine for 2012 identifies the main problems in the field of cultural heritage:

- the lack of control over the preservation of the monuments by the authorities and as a result there are numerous cases of damage or destruction;
- the lack of budget funds for repair and restoration work on the completion of the museum collections, on the technical re-equipment, the protection of objects; and
- insufficient attention of the owners and users of monuments to their preservation status;

In connection with the shares of agricultural land a significant portion of archaeological monuments is in urgent need of research and a clear definition of borders and modes of use.

<http://mincult.kmu.gov.ua/mincult/doccatalog/document?id=325442>

The economist Leonid Chupriy notes that the level of conservation of outstanding historical and cultural monuments in Ukraine is inadequate because of a lack of funding [9]. The restoration and repair of monuments are insufficient, so now up to 50-70% of the objects of historical and cultural heritage in many regions of Ukraine are in poor, and up to 10% – in emergency condition. About 300 monuments of national significance require repair and restoration or conservation work. Every tenth monument

from the 20 thousand architecture and urban planning monuments requires immediate intervention of the restorers. About one million units of storage of museum values today are also in need of restoration work. According to preliminary calculations, the estimated cost of only priority emergency repair and restoration and conservation work is about 600 million hryvnias.

However, the losses of cultural values, immovable heritage and historical appearance of our towns are irreversible and irreparable. Any loss of cultural heritage will inevitably affect the present and future generations and that leads to spiritual begging, falsification of history, historical memory loss, destruction of intellectual and creative potential of the society as a whole. They cannot be compensated by the creation of significant new products, and the development of culture as a whole.

### **1.2. Categories of the monuments. UNESCO World Heritage monuments in Ukraine.**

Cultural heritage and its preservation are an integral part of the overall European cultural process. The attitude towards the monuments of history and culture is an indicator of the level of development of the state and the spiritual maturity of its citizens. Protection of cultural heritage is now defined as a priority foreign cultural policy.

Cultural conservation concepts are shaped by political, ideological, economic, social and ethnological factors. Theoretical foundations of monument studies are primarily related to the definition of criteria for the selection, classification, systematization and periodization of monuments, and also establishing the terms under which an object can be considered a monument.

The formation of the state system of the cultural heritage protection of Ukraine has traversed a long and difficult historical path. In the first half of the 20th century, conservation activity had to rely on individual regulations, and the adoption of a direct law was being hampered. In the late 1950s, Ukraine became a UNESCO member, and after its independence, a member of the Council of Europe(1995). One sign of the government's attention to the protection of cultural heritage was the ratification by Ukraine in 1988 of the Convention on the Protection of the World Cultural and Natural Heritage of 1972. The Convention distin-

guished between single and complex monuments for the first time and gave a detailed interpretation of the concept of "cultural heritage", which applies to stationary objects that have universal value from the point of view of history, art, aesthetics, ethnology and anthropology.

In Soviet times, there was a strong tendency to level out local cultural distinctions and introduce a single "internationalist" culture. The centrally controlled Soviet culture had no need for national cultural heritage as such, except for some of its parts, carefully processed, checked, and approved.

This is confirmed by the fact that in the Soviet Union, only two world-famous Ukrainian landmarks were proposed for inclusion on the World Heritage List. The World Heritage Council inscribed the Saint Sophia Cathedral with related monastic buildings and the Kyiv-Pechersk Lavra in Kyiv on the World Heritage List under number 527 on December 12, 1990.

In 1999, the WHC added the ensemble of the historic centre of Lviv, in 2011 - the residence of the Orthodox Metropolitans of Bukovyna and Dalmatia in Chernivtsi, and in 2013 another four monuments to the list. At the moment, the *UNESCO World Heritage List* has *eight objects* from Ukraine, including Saint Sophia Cathedral and Kyiv-Pechersk Lavra Monastery, Lviv's historic centre ensemble, the Struve Geodetic Arc, the primeval beech forests of the Carpathians, the residence of Bukovynian and Dalmatian Metropolitans, eight wooden churches in Transcarpathia, and the ancient city of Tauric Chersonese in and its chora near Sevastopol.

*Another 15 objects are on the preliminary list*, including: the Kamiana Mohyla (Stone Grave) reserve in Zaporizhia; the astronomical observatories of Ukraine; the historic centre of Bakhchisarai and the Palace of the Crimean Khans; the Sudak fortress; the cultural landscapes of the cave cities of Crimea and the Kamianets-Podilsky Canyon; the Sofiyivka dendrology park, the historic centres of Chernihiv and Odessa; and the Askania Nova wildlife reserve, to name a few.

Materials on other outstanding monuments, among them those of the city of Kamianets-Podilsky, are being prepared for submission to UNESCO.

<http://rcchd.icomos.org.ge/?l=E&m=4-4&JID=2&AID=14&12>



One of the more prominent among these objects is the Stone Grave complex of archaeological sites, which has no direct analogues in the world's archaeological heritage and dates from the 20th millennium BC.

The cave cities of Crimea, especially such settlements as: Bakla, Chufut-Kale, the Dormition Monastery, Tepe-Kermen, Kiz-Kermen, Kachi-Kalyon, the Syuiren fortress, Chilter-Koba, Mangup, Eski-Kermen, Chilter-Marmara, Shuldan, and Inkerman are unique to the Black Sea and the Mediterranean region and have a common feature – man-made caves. Their emergence in the Crimean Mountains refers to the period of the early Middle Ages (the 6th-7th centuries) and is associated with certain landscape features in this part of the peninsula. Considering their characteristics and state of conservation, they qualify for the criteria for World Heritage.

However, the List does not include a number of archaeological monuments without which the understanding of the role and place of this country's cultural heritage is not complete. In the general European context, the monuments of ancient history (archaeology) in the territory of Ukraine represent the rise and development of the Indo-European civilization.

Thus, the Bronze Age in Ukraine is represented by a unique complex –the National Reserve of Khortytsia. Adding it to the List would enrich the picture of the historical development of both this country and the entire world civilization. Located at the junction of two distinct habitats within the Dnieper area, Khortytsia is the largest river island in Europe and has played an important strategic role in the trade route along the Dnieper since ancient times. The island is a complex of cultural and natural landmarks, among them about 70 archaeological and historical sites. A unique feature of Khortytsia is that the island features a bit of every landscape area found in Ukraine - from the desert to the mountains.

Among the monuments of the archaeological heritage of Ukraine a special place is occupied by the Trypillia culture, which is one of the most significant for Ukraine in the context of Indo-European civilization. According to researchers, the process of creating the foundations of modern civilization on the territory of Ukraine – the development of agriculture, metal processing, be-

coming a certain worldview, – associated with this archaeological culture. Distribution territory generality Trypillia culture covers part of the territory of modern Romania, Moldova and Ukraine, that is, from Ciscarpathia (Ukr., *Prykarpattia*) in the west to the valley of the Dnieper in the east, within the forest-steppe zone. This culture is called Cucuteni in Romania, hence its name Cucuteni-Trypilian in international usage.

Thus, several European countries together with Ukraine could enter a cross-border project. Some steps in this direction have been taken in the village of Trypillia, Kyiv Oblast, where a museum with archaeological monuments on exhibit was opened a few years ago. In Ternopil Oblast, there is one of the most spectacular landmarks of the Trypillia culture – a unique cave called Verteba. However, this topic requires further research, the definition of basic monuments, the establishment of appropriate projects of museumification, and the preparation of presentation materials in cooperation with experts from Moldova and Romania.

The great mediaeval trade route "from the Varangians to the Greeks" is considered one of the most promising research topics. The development of this truly global theme will allow to cover a wide range of issues and provide the opportunity to consider the problems of unique landscape characteristics of the Dnieper River in a new light, and to add to the World Heritage List such national reserves as: the historic centre of Chernihiv, Taras Shevchenko's Grave in Kaniv, Khortytsia Island, Tauric Chersonese, and others. It should be noted that the complexes of monuments and nature reserves located along this historic water route are the prospect for the future of a large cross-border project, which could involve such countries as Norway, Sweden, Russia, Belarus, Ukraine, Romania, and Turkey.

This is a far from complete list of the nominations which could replenish the previous World Heritage List and represent Ukraine in the international community.

Independent Ukraine today strives to preserve its cultural heritage and national traditions, historical memory and to take place in a modern European cultural process.

Therefore, an in-depth study of national heritage monuments, their interactions and impact on the world and the European cultural process in particular, is very important at present.

<http://www.spadshina.org.ua/index.php?sID=11&itemID=231>  
[http://uk.wikipedia.org/wiki/%D0%A1%D0%BF%D0%B8%D1%81%D0%BE%D0%BA\\_%D0%BE%D0%B1%D1%94%D0%BA%D1%82%D1%96%D0%B2\\_%D0%A1%D0%B2%D1%96%D1%82%D0%BE%D0%B2%D0%BE%D1%97\\_%D1%81%D0%BF%D0%B0%D0%B4%D1%89%D0%B8%D0%BD%D0%B8\\_%D0%AE%D0%9D%D0%95%D0%A1%D0%9A%D0%9E\\_%D0%B2\\_%D0%A3%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96](http://uk.wikipedia.org/wiki/%D0%A1%D0%BF%D0%B8%D1%81%D0%BE%D0%BA_%D0%BE%D0%B1%D1%94%D0%BA%D1%82%D1%96%D0%B2_%D0%A1%D0%B2%D1%96%D1%82%D0%BE%D0%B2%D0%BE%D1%97_%D1%81%D0%BF%D0%B0%D0%B4%D1%89%D0%B8%D0%BD%D0%B8_%D0%AE%D0%9D%D0%95%D0%A1%D0%9A%D0%9E_%D0%B2_%D0%A3%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96)

### 1.3. Overview of the regulatory framework

The legislation is an important factor affecting the efficiency of the preservation of cultural heritage. In addition to the international level, each country has its own system of protection of monuments, consisting of conceptual approaches, regulations, organisational structures, financing and methods of use of monuments.

The analysis of the legal protection of monuments in developed countries indicates the presence of the legislation system that creates an optimal mechanism for protecting cultural heritage; principles of the attitude to privately owned historical and cultural monuments, as well as rules that regulate the ratio of public and private ownership of cultural property. General provision for these countries is the adoption of laws at the national level for the protection of monuments.

Thus, the activities of state authority as guarantor of the implementation of adopted legislation are essential for the conservation of monuments. At the present stage in Ukraine there is a concept of preservation of history and culture monuments, which in comparison to other post-Soviet countries is more or less in the line with international documents. But the modern valid normative base of Ukraine that regulates the design of restoration work and the construction in the historic areas and habitats of cultural heritage changes frequently. It is in a constant state of "being improved."

The main document defining the state policy in the branch, is the Law of Ukraine *On Protection of Cultural Heritage* from 08.06.2000 № 1805-III, which ensure the implementation of a unified state policy in the field, defines the special responsibility of the state for the identification, accounting, research, restora-

tion and conservation cultural heritage, inalienable character of the most valuable objects of cultural heritage; and providing access to them. Many changes have been added to it in the past fourteen years, the most important of them (16.12.2004) prohibiting the "changing of the monument" (Article 22).

The national and international documents ratified by Ukraine complement the principal law:

***Law of Ukraine*** № 1805-III ***On Protection of Cultural Heritage***" of 08.06.2000;

***Law of Ukraine*** № 1264-XII ***On Environmental Protection*** of 25.06.1991;

***Law of Ukraine*** № 2456-XII ***On Nature Reserve Fund of Ukraine*** of 16.06.1992;

***Law of Ukraine*** № 1626-IV ***About Protection of Archaeological Heritage*** of 18.03.2004;

***Convention concerning the Protection of the World Cultural and Natural Heritage*** / UNESCO, 1972 - ratified by Decree № 6673-XI of the Verkhovna Rada of Ukrainian SSR of 04.10.1988;

***European Convention on the Protection of the Archaeological Heritage*** / Council of Europe, 1992 - ratified by Law of Ukraine № 1369-IV (1369-15) of 10.12.2003;

***European Landscape Convention*** / Council of Europe, 2000 - ratified by Law of Ukraine № 2831-VI of 07.09.2005;

***Convention for the Protection of the Architectural Heritage of Europe*** / Council of Europe, 1985 - ratified by Law of Ukraine № 165-V (165-16) of 20.09.2006;

***Convention on the Protection of the Underwater Cultural Heritage*** / UNESCO, 2001 - ratified by Law of Ukraine № 164-V of 20.09.2006 (with statements);

***Council of Europe Framework Convention on the Value of Cultural Heritage for Society*** of 27.10.2005 - ratified by Law of Ukraine № 581-VII of 19.09.2013;

***Convention for the Safeguarding of the Intangible Cultural Heritage***; and

***Convention on the Protection and Promotion of the Diversity of Cultural Expressions***.

The existence of these laws means that public, officials and heritage protection authorities undertake to comply with all security requirements for these objects. Of course, there have always

been cases of violation of existing rules during the design and implementation of restoration projects, valorisation and rehabilitation. However, the task of any specialist in charge of the development of project documentation is to comply with all applicable requirements and generally accepted methods of restoration of cultural heritage. There is more than one instance where architects violate the Law on Protection of Cultural Heritage. This happens because of numerous shortcomings in the legislation.

*The National Programme for the conservation and use of cultural heritage for 2004-2010* (<http://zakon4.rada.gov.ua/laws/show/1692-15>) was an important document, in which a number of major activities were mapped out. In particular, it was proposed to amend the Criminal Code of Ukraine and the Code of Administrative Offences in what concerns the responsibility of officials of the executive authorities, local governments and individuals for violation of legislation in the field of cultural heritage; and to amend the Land Code of Ukraine on the need for coordination of projects of privatized land allocation by cultural heritage protection authority. Unfortunately, this program is not even half done.

Moreover, the issues of encouraging the individuals and legal entities to participate in financing activities for the conservation of cultural heritage, in particular by providing appropriate benefits, are not regulated. Ukrainian legislation provides exemptions from payment for land for the reserves, museums and other cultural institutions and tax profits during the monuments protection works. However, the mechanisms of such benefits were not sufficiently elaborated. Accounting system, use, conservation, restoration, museumification of cultural heritage also requires further improvement.

So, *the main legislative acts of Ukraine in the field of monument protection activities are generally in line with the requirements of international law*. But the declarative nature of certain norms, the lack of an established system of monitoring for the implementation indicates the need for further improvement of the regulatory base.

O. Plamenytska, a leading expert on the theoretical foundations of Ukrainian architecture, notes that the experience of recent decades shows that in the area of monument protection activities Ukraine is stagnating or even receding into the past. It

does not require proof: suffice it to look at the amount of damage to the historical environment of most cities and reserves associated with the destruction of heritage, redevelopment, renovations, etc. The greatest paradox is that basically all of the above is happening "within the limits of law": based on the current regulatory framework, it is practically impossible to prove the erroneousness of implemented solutions. [11]

#### **1.4. The term "subject of protection" of architectural monuments and its negative impact on the heritage protection and restoration activities**

The greatest controversy among experts is a legislative concept "*subject of protection of monument of architecture*" in terms of its negative impact on the protection of monuments in general and particular architectural restoration. Thus, a thorough publication by O. Plamenytska [1] is devoted to the study of this problem. Here are extracts from the article with some reductions.

"The Law on Protection of Cultural Heritage contains substantial contradictions that trigger a departure from the principles of international monument protection activities and make methodological confusion in the restoration activity. The law is formulated in such a way that a sufficient condition for maintaining "attractions de jure» is to maintain only its "subject of protection". This is plainly said in Article 13: "With the entry in the register on the object of cultural heritage, for all its constituent elements that are the subject of its protection extends the legal status of the monument"(<http://zakon4.rada.gov.ua/laws/show/1805-14/page2>)

So, emphasizing the important methodological problem: the monument is seen not as an integral structure, but as a set of "building blocks", that have no legal status. Therefore attraction partially protected. This conclusion is confirmed by article 15: "The withdrawal of the monument from the Register is carried out only if the monument is destroyed or if the monument lost its object of protection". In other words, if the main facade is defined as the subject of protection, it is possible to reconstruct the entire monument, except for the facade – and it does not lose its protected status. So the status of a "monument" to protect it is not enough, you need to determine – what exact part has to be protected. But this procedure is not written in the law and there are no official government experts in Ukraine – some qualified and

respected professionals, whose signature would guarantee professionalism and impartiality. The presence of "subject of protection" is a convenient loophole in the legislation, which, if necessary, turns into a huge gate through which one can "take out" everything, including a monument itself, leaving only its symbolic subject of protection.

Let us analyse at what stage the "object of protection" should be defined. According to Article 5 of the Law on the protection of cultural heritage the function "of the State register of immovable monuments of Ukraine is assigned by the central authority of the protection of cultural heritage" (from 2006 – the Ministry of Culture of Ukraine). Decision № 1760 of the Cabinet of Ministers of Ukraine dated December 27, 2001 (<http://zakon4.rada.gov.ua/laws/show/1760-2001-%D0%BF>) has a provision according to which "the object entry in the Register of Cultural Heritage without accounting records is not permitted. The records on the object of cultural heritage include an index card, its passport, a brief historical background, the technical condition of the act, a certificate on the property value of an object."

Thus, the condition of entering of the monument in the Register is a bureaucratic requirement of a package of documents that require the development and approval, and therefore public funding. Already only the "valuations of a monument", which technique is still not completely defined, requires very significant resources that turns the entire program certification into an irresistible brake. In the end, does it really matter how much the Saint Sophia Cathedral, the Cathedral of St. George in Lviv, St. Trinity Cathedral in Novomoskovsk or Demeter's Crypt "cost" to recognize their cultural heritage? The question is a rhetorical one.

The registration card and new passport were approved three years after the release of the mentioned resolution of 2001<sup>3</sup>. The passport consists of 19 sections and includes a description of the surrounding landscape, the description of the monument itself, historical information about it, a list of archival sources, the characterization of mutations and loss of attractions, description

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<sup>3</sup> See Joint Order № 295/104 of the Ministry of Culture and the State Construction Committee of Ukraine On Approval of the Cultural Heritage Registration Card and Passport of 13 May 2004.

of the works of art in it, a certificate of valuations of a monument, an act of technical condition, description of protection zones the list of conducting research and restoration works, drawings of measurements, photographic images, etc. There's no need to be an expert to understand that the reception, processing and acquisition of all of this information requires considerable time, money and, therefore, delaying the preparation of passports for an indefinite period.

Is it necessary to put the inclusion of the monument in the Register in dependence of the preparation and approval the passport? Of course not. This is especially true for the monuments that have the status of monuments for several decades according to preliminary government lists and, eventually, one way or another protected by the state. ***The expert opinion of specialized professionals is quite enough for including the monument in the Register.*** The rest of the study, measurements, etc. can be carried out after receiving the conservation status. But the current situation of including the monument to the Register based on the principle of the struggle for the rights. In the least favourable situation are "only the identified cultural heritage sites" that are in this status for decades: there's no funds for developing their passports.

The main state document that secures the existence in the State heritage is State register of immovable monuments of Ukraine. And by simple logic it becomes a hostage of this situation. The State register is a necessary basis for further information organisation of heritage preservation – planning for the allocation of funds, restoration, museumification, etc. Now the state does not have this foundation.

The greatest paradox is that in 2000, at the time of the introduction of legislative rules for the formation and maintenance of registers, the old-style passports have been developed for the majority of monuments of national significance (which is about 2000 objects), as well as for some of the monuments of local importance in accordance with the government program certification, adopted in the USSR in 1969. These passports were multiple-page documents containing the fundamental scientific, technical, and fixation information about monuments. Several thousand of developed passports were transferred to the Ministry of Con-



struction<sup>4</sup> and specialized departments of regional state administrations. On the basis of this work, a four-volume reference book was published in the 1982-1986, titled *Monuments of Urban Planning and Architecture of the Ukrainian SSR*.<sup>5</sup>

In adopting Decree №1760 in 2001, a large certification of architectural monuments of Ukraine was simply "forgotten." It is difficult to explain how the concerned authorities could pretend that this array of professional information – the result of many years of work by a large professional team – did not exist. Yet, the first certification began by approving a new state program. Resolution №1760 made the formation of the register dependent on bureaucratic and administrative procedures. As a result, the work on the formation of the State Register of Immovable Monuments ended in failure. The proof of this fact can be the material published on the official website of the Ministry of Culture of Ukraine: the Register is still in its formative stage<sup>6</sup>.

Considering that the total number of architectural monuments of national and local significance in Ukraine is more than 21,000 (of which about 3,300 are monuments of national significance), and only 2,153 monuments were included in the Register in 14 years, the chances of seeing the Register in the coming years are minimal<sup>7</sup>.

The strategic error of the Ministry of Culture is that they understand the Register as a sealed list that published every few years, like the lists of monuments of the Soviet era. The objects were included only twice to the Ukrainian Register for the last

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<sup>4</sup>Passports were kept in the departmental archives of heritage protection documentation of State Committee of Construction (later the Ministry of Regional Development and Construction of Ukraine).

<sup>5</sup>Monuments of Urban Planning and Architecture of the Ukrainian SSR (An illustrated reference catalog). In 4 Vols. / Compiled and edited by N.Zharikovet al. – Kyiv, Budivelnyk Publishers, 1983-1986

<sup>6</sup> State register of immovable monuments of Ukraine is on the official website of the Ministry of Culture of Ukraine:

<http://mincult.kmu.gov.ua/mincult/uk/publish/article/294593>

<sup>7</sup> Now the old lists of monuments exist, approved by the Council of Ministers of the Ukrainian SSR in 1963 and 1979. The formation of the register takes place by introducing (or not introducing) the monuments from these lists and including the new ones.

seven years (744 monuments by the 2009 decision and 147 monuments by the 2012 decision). And in Poland, for example, only for the first half of 2013, 199 decisions were taken regarding the inclusion of new objects on the register of monuments, 48 decisions on their withdrawal, and information on 354 monuments was added. [15] Acknowledging that the Register of Monuments is an open system, the Polish cultural heritage researchers are constantly working on its maintenance. A wide range of solid scientific and administrative institutions are involved in this work. In 2003, Poland has updated Law on the Protection and Guardianship of monuments [16] in accordance with EU standards and has also adopted a democratic procedure of state registration of monuments.

Unfortunately, despite the lengthy discussions that took place in the early 2000s about the concept, partition structure, system security numbers and the order of the Register, the opinions and suggestions of scientists were not accepted [17]. Nowadays the introduced form of the Register is primitive, anachronistic, illogical, clumsy in relation to modern information technologies, and completely non-transparent. Science now is far ahead of conservative thinking of domestic managers. But EU countries have moved to the formation of inter-state information systems on cultural heritage monuments, bypassing the stage of establishment of national registers. Ukraine on this scale of development, so to speak, is marking time somewhere on the information side of the road, without even starting the movement. Considering the annual loss of tens of objects of architectural heritage because of the imperfection of the state system of cultural heritage protection, the *state of preparation of the State register of immovable monuments can be considered a national disaster*.

Adding monuments to the Register shall be a professional and transparent national affair and not the prerogative of departmental units that have got an overloaded scope of authority, which is not good for business. Therefore, in the context of European integration policy of Ukraine it is very important to draw attention to the experience of European countries for state registration of monuments as soon as possible.

Formation of the register is only a part of incidents of domestic regulatory system of protection of monuments. Extension of

the concept "subject of protection" for restoration sphere gives a space for manipulations that cause irreparable damage to monuments and historic environment.

As the part of the monuments is in a degraded (rebuilt, destroyed) state, only during their pre-restoration research and restoration work, during which the later layers of low value are removed and unknown valuable elements of the monument are opened, there is a theoretical possibility to determine the "subject of protection." Prior to the research and restoration work, i.e. by visual examination at the stage of registration card and passport, any "expert" assessment will only partially reflect the real value of the object. At the same time, after the restoration (any other works on the monument are not allowed) definition of the subject of protection would be meaningless because the monument after the restoration takes a science-based view. Actually it is offered to dismember holistic monument on the elements and choose those that need to be protected<sup>8</sup>. Do these definitions describe comprehensively the value of monuments? Are they sufficient to protect these monuments in the event of the intentions of their restructuring? Undoubtedly not.

In recent years, the term "subject of protection" took the form of an independent "scientific" work. It is performed by institutions which have got preferential treatment in the performance of such kind of work. But the employees of such institutions often do not even have a professional architectural education, not to mention the qualifying degree. These "scientific" works, approved by the Scientific and Methodological Council of the Ministry of Culture, have the power of sentencing for the monuments.

A well-known consequence of the definition of subject of protection in such work, with its subsequent use as a tool against the monument, was the denial of the protective status of the Guest Yard in Kyiv, restored in 1980s-1990s by the leading specialized restoration agencies in accordance with the methodology of the restoration of monuments. The review of restoration decision approved by specialized research and restoration councils almost 25

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<sup>8</sup>Consequently, for the Kyiv Lavra bell tower, "the subject of protection is its volume-spatial composition with historical settings of constructive scheme, as well as architectural and decorative solutions of facades."

years ago and the formal recognition of the Ministry of Culture of "the loss of the subject of protection" caused the withdrawal of the object from the state registration and lightning fast approval of its restructuring project. Officially, the reason for removing the protective status was called the incomplete authenticity of the Guest House and the loss of its "subject of protection" in the process of restoration<sup>9</sup>. This created a legal precedent that can be extended to other objects restoration.

Thus, the "subject of protection" is a handy tool with which you can at any time do an administrative revision the professional actions of restorers. None of European countries has such legal categories as "subject of protection", although their monuments are privately owned<sup>10</sup>.

From a methodological point of view, the concept of "subject of protection" of architectural monument is unscientific. ***The monument is an entire object, which integrates the material and spiritual values*** found in the forms of plastic and artistic, design, materials and construction technologies, architectural decoration, objects of monumental and decorative arts, etc.

The progress of heritage protection methodology in the world demonstrates the widest possible interpretation of monument, including its surroundings. Exit to the broader vision of valuation of a monument led to the introduction of new categories of heritage protection – cultural landscapes. Memorable places are treated as a contextual whole, formed of tangible and intangible components. These principles declared in the doctrinal documents of ICOMOS –Xi'an Declaration on the Conservation of the Settlement Heritage Structures, Sites and Areas (Xi'an, 2005) and the

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<sup>9</sup> Kyiv Administrative Court of Appeal has finally nullified Decision №137 / 8421 (20 September 2012) of the City Council to allocate land for illegal reconstruction of the Guest Yard to its developer. Activists challenged the decision of the majority in the City Council headed by Halyna Hereha. <http://Kyiv.pravda.com.ua/news/53a98f26c57a3/>

<sup>10</sup> As A. Batalov, Ph. D. (Arts), points out, "The subject of protection concept is a bomb planted under each monument. It brilliantly serves the interests of the investor. ... The concept of "subject of protection" allows to manipulate monuments." [An interview with Andrei Batalov] <http://www.regnum.ru/news/720826.html>

ICOMOS Charter for the Interpretation and Presentation of Cultural Heritage Sites (Quebec, 2008). [8]

Since the "subject of protection" is mainly determined prior to restoration (by historians, art historians, and sometimes non-professionals who develop passport monuments), the author of the restoration project formally becomes a hostage of a situation of "the object of protection", determined by somebody else. And officials often treat the proposed restoration decision as a "change of the monument" prohibited by law. At the same time, the rebuilding by the "reconstructors" of that part of the monument, which has deliberately been removed from the "subject of protection", gets the green light from heritage protection authorities. For example, if the subject of the protection of the building is its main facade, it is not difficult to imagine the degree of freedom that gets the designer of so-called "restoration".

The concept of "subject of protection" of monuments of architecture, as shown above, affects many related issues and problems of monuments and restoration activities. Its introduction is a moot point, which, in our opinion, is now has much more "against" than "for".

We believe that the time has come to carry out its methodological revision with aimed to remove and identify the other barriers for unauthorized (and authorized) losses of architectural heritage. Who will carry it out is no easy question, especially after the elimination of a single profile institution which dealt with theoretical and methodological problems of the history of architecture, preservation and restoration of monuments of architecture (it was the Research Institute of Theory and History of Architecture and Urban Planning) and had a reputable and independent professionals. But this does not mean that the problem will be solved by itself.

In our opinion, the emergence of the category "subject of protection" in the history of its operation in the Ukrainian legislation did not help any specialist to solve any professional issue related to the restoration, as professional activities were carried out and continue to carry out by a special professional standards. On the negative consequences to this rule for the protection of the architectural heritage and its registration has been said above, and

enough to come to the logical conclusion that this rule should be abolished". [11]

*Consequently*, the expert opinion of specialized professionals should be sufficient to include the construction to the Register, and *the concept of "subject of protection" should be abolished.*

### **1.5. The administration and management system.**

The state system of cultural heritage protection is still in its formative stages and is still very bureaucratic. The collapse of the totalitarian Soviet Union and its centrally planned economy, in which the national area of heritage protection should develop, revealed its unwillingness to existence without state custody, administrative and financial support.

In the USSR, the protection of cultural heritage has been concentrated in the Ministry of Culture. There was an unified management of cultural heritage, which carried out certain government policies. And only in the two republics – Ukrainian and Estonian – this area was divided between two departments: the State Committee of the Council of Ministers on the Construction of the Republic (Ministry of Construction) was responsible for the monuments of architecture and urban planning, and the republic's Ministry of Culture is responsible for all other kinds of monuments (archaeology, history, art).

However, even in such circumstances, the Law of the USSR On the Protection and Use of Historic and Cultural Monuments from 13.07.1978 №3600-IX in article 32 made an important caveat: "The master plans and redevelopment and reconstruction projects of cities and other settlements, which contain monuments of history, archaeology, urban planning and architecture and monumental arts, to be agreed with the relevant authorities for protection of monuments». Law of Ukraine On Protection of Cultural Heritage, which was adopted in 2000 and is still valid, was made to do away with the dual power in the field of cultural heritage. He identified a single central authority in the field of cultural heritage – it was the Ministry of Culture of Ukraine.

Since then until the present, the issue of state policy in the field of accounting, protection, conservation, proper maintenance, appropriate use, conservation, restoration and museification of all kinds and types of monuments is put into practice by the State

Service of cultural heritage protection, established in 2000 under the Ministry of Culture, which was later reorganised into the State Service for National Heritage. To date, the service is demoted; its functions were transferred to the Ministry of Culture<sup>11</sup>.

However, it did not influence the process of devastating the historic city centres. So, for the period from 2000 to 2011, no monument of architecture or urban planning of national importance has been entered in the State Register. Kyiv, Lviv, Odessa, Kamianets-Podilsky, Dnipropetrovsk, Sevastopol and many other cities have suffered from non-normalized, excessive-height construction in the historic centres in the past 10-15 years. Adopted in 2011, *the Law of Ukraine On the Regulation of Urban Planning* cancelled all restrictions for building in the historic areas, including the participation of the public and organisations of heritage protection in the discussion of development projects. The law was positioned as aimed at streamlining and simplification of licensing procedures for the planning and development of territories. However, the greatest benefit this document brought to the huge investors-developers. For example, paragraph 19 of the Transitional Provisions of this normative act repealed the mandatory archaeological examinations of land at the design stage. Cancelling these examinations would not have had such a devastating influence if all historical and architectural monuments have been registered. But the specific of the situation is that many monuments are or exempt, or in a latent state and can only be detected after the fieldwork.

In passing, it should be noted that under the Ministry of Regional Development and Construction remained a number of restoration and research organisations that could provide continuous study, preservation and restoration of monuments. However, almost all of them were gradually destroyed: in 2007 the Research Institute of Theory and History of Architecture was eliminated, and the fate of a unique institute archive is still not clear. The fate of the archive monuments of the former State Construction

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<sup>11</sup> Prior to 2005 the central authority in the field of architecture and urban planning heritage protection was State Building of Ukraine (now the Ministry of Regional Development and Construction of Ukraine), with 2006. - The Ministry of Culture of Ukraine.

Committee of Ukraine, which were exported in an unknown direction from St. Sophia in November 2011, is also unclear. And last year saw the elimination of SSTC Konrest – the authoritative organisation in Ukraine and Europe, which has successfully mastered the technology of restoration work. From the once leading design institutions of the branch – UkrNDIproektrestavratsiya (Kyiv) and Ukrzakhidproektrestavratsiya (Lviv) – only their names remain.

However, many experts in the field of cultural heritage, including the Ukrainian National Committee of ICOMOS, insist on the returning of the powers of the monument restoration process again in the Construction Ministry – Ministry of Regional Development. But it seems that today we should not speak about the new powers of the Ministry of Regional Development, but require it to immediately adjust the regulatory base: the introduction of the priority issues of heritage protection in the architectural and construction activities, the return of the archaeological expertise to the legislative field, the management of urban planning and many others.

So, the current situation in the field of cultural heritage in Ukraine can be interpreted as a transition: the old model is transformed under the influence of new economic and political realities, and the new system at present operates with considerable difficulties. Problems of permanent crisis, combined with imperfect public policy, require joint efforts and resources of the central, regional and local authorities, non-governmental organisations, attracting international experience and creating the institution of charity.

### **1.6. Problems of funding for cultural heritage preservation.**

Funding for the protection of monuments remains the one of the most complicated issues. Historically, the situation with the researching, preservation and restoration of monuments in Ukraine has developed in such a way that this area is financed primarily from public funds. However, the worldwide sources of funding for preservation of historical and cultural heritage are the state and municipal funds, contributions from companies and individuals. Differing in size, these sources are directed to the implementation of various programs: public, which consists of



large-scale projects at the national level; local, which are focused on the preservation of monuments of regional significance; private, which set the care of monuments or groups of individual objects.

Talking about monument protection activities of each country, the financial support for conservation programs has an important place. So, from the late 1970s to early 1980s in the United States they introduced tax incentives for conservation programs and development of historical, cultural and natural sites. European countries and Canada fund the system of protection of monuments through the subsidies and grants, established by the legislation.

The current state of heritage protection in Ukraine depends on the general economic situation and that is not conducive to the preservation of cultural heritage. The area is focused primarily on government funding. This has significant drawbacks, and the chief among them is the "residual principle" of funding. Allocation of scarce resources that were allocated to the sphere of the protection of monuments was always in dependence on the preferences of the corrupt bureaucratic system, and almost never reached the user in the needed volume. Table 2 shows that funding of cultural heritage protection takes from 0.07 to 0.06% of the budget – that is less than one-tenth of a percent.

Heritage preservation in such conditions is at risk of purposeful destruction. This trend has acquired a truly devastating effect in the beginning of the new millennium. Heritage, which is under state protection, was out of its economic life in the new socio-economic conditions. To date, there are no government programs aimed at its renewal, restoration, and most importantly – adaptation to modern life with the involvement of the general public and non-public funds.

The state does not provide any incentives for investors so they do care about the monuments. Many heritage objects are located on expensive land. The "historicity" of the building or the location of the new building project near the prominent places can greatly increase its market value.

In most cases, it is much cheaper to build a new object than to restore the existing one, so the investments, as a rule, work on destroying the monuments.

**Table2. The distribution of the state budget for the protection of cultural heritage.**

Item of financing	2007			2012		
	Total (million hrn.)	Total (million USD)	Part of the costs in State budget (%)	Total (million hrn.)	Total (million USD)	Part of the costs in State budget (%)
Total costs for the preservation of cultural heritage	286,8	56,8	0,16	277,3	34,7	0,07
Protection of cultural heritage (Safekeeping of historical - cultural and architectural heritage in the reserves, the implementation of measures for the protection of cultural heritage, certification, inventory and restoration of architectural monuments and cultural heritage)	115,5	22,9	0,07	247,3	30,9	0,06
Subvention from the state budget to local budgets for the protection of cultural heritage	188,3	37,3	0,1	25	3,1	0,006
Subvention from the state budget to regional budgets for the protection of cultural heritage	53,0	10,5	0,03	5	0,6	0,001
Total state budget expenditures for the year	174,631,4	34,580,5	100	396,683,1	49,585,4	100

Even the state building regulations do not provide any special attitude to the old houses in the process of adaptation, restoration or reconstruction. For example, the preservation of existing

wood structures, stairs, floors, facade detail becomes impossible through the existing fire safety and other building regulations.

Therefore, the most common way of "reconstruction" is demolition followed by the erection of "mock" historic buildings.

Significant shortcomings and problems in dealing with historical buildings in city centres remains *the insufficient financing for the protection of monuments*, lack of service "chief restorer of the city." Regeneration of neighbourhoods in the historic city would allow solving problems of reconstruction, development and construction in the downtown area. Historical and Cultural Reserves also need constant care, public and social support.

**Table 3. Financing of works for cultural heritage preservation of Zhovkva historical and cultural reserve**

Sources of financing.	2001 - 2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>Total</b>	<b>21369,3</b>	<b>1163,4</b>	<b>8000,5</b>	<b>6514,8</b>	<b>5134,6</b>	<b>195,0</b>	<b>535,3</b>	<b>1048,0</b>	<b>838,0</b>
<b>Budget costs, among them:</b>	<b>10972,3</b>	<b>853,4</b>	<b>6140,5</b>	<b>3610,8</b>	<b>4904,6</b>	<b>-</b>	<b>209,0</b>	<b>463,0</b>	<b>20,0</b>
<i>State budget</i>	6906,8	488,9	2630,4	3254,8	3000,0	-	-	30,0	20,0
<i>Regional budget</i>	2978,0	-	-	-	98,6	-	10,5	23,0	-
<i>District budget</i>	679,8	-	1026,6	-	-	-	-	-	-
<i>City budget</i>	407,7	364,5	2483,5	356,0	1806,1	-	198,5	440,0	20,0
<i>Other sources</i>	<b>10397,0</b>	<b>310,0</b>	<b>1860,0</b>	<b>2904,0</b>	<b>230,0</b>	<b>195,0</b>	<b>326,3</b>	<b>555,0</b>	<b>778,0</b>

Before 1992, bypassing state funding, there was the possibility of additional funding for the protection of monuments through the *Ukrainian Society for the Protection of Monuments of History and Culture*, which annually performed a certain amount of repair and restoration work. From the beginning of 1990s, on the initiative of the public, and in particular Academician Petro-Tronko, it also renovated architectural monuments that were lost under the Soviet regime. However, at the end of the 1990s, the activity of the Society and its capabilities significantly decreased. To date, USPMHC is comprised of 24 regional (oblast) organisations, as well as organisations of equivalent status in Kyiv, Sevastopol, and the Crimea Republic. The amount of grass-roots or-

ganisations (municipal, district, inter-district) and primary cells are about 450, but their activities are reduced to research and popularisation work.

Thus, the protection and preservation of cultural heritage requires not only legal and organisational but also financial, material and technical activities of accounting, preventing the destruction, controlling over safety, maintenance, use, preservation, restoration of objects, carried out by public authorities within their competence. To do this, there must be a built system of administration and finance, where, apart from the state, should also be included the other sources of funds.

However, Ukraine has a rich historical tradition in the field of philanthropy. Such Ukrainian industrialist and philanthropist families as the Tereschenkos, Khanenkos, Brodskys, Halahans, Hirsches, Dzieduszyckis, Liubomyrskys, and Symyrenkos are known well to the world. In particular, the Tereshchenko dynasty, who owned sugar factories, left churches, medical facilities, and public buildings to the future generations in various cities of Ukraine, founded about fifty schools in Kyiv, Hlukhiv, and other places in Right-Bank and Left-Bank Ukraine. In general, the Tereshchenko family donated to charity more than 5 million rubles<sup>12</sup>. Another famous Ukrainian, H.Halahan, founded a college for poor children and a number of other educational institutions. The Tereschenkos, the Khanenkos, and O.Pol gathered invaluable collections of art and antiquities that have become the pride of the best local museums. This is primarily the Museum of Art named after Bohdan and Varvara Khanenko, Kyiv Museum of Russian Art, the National Art Museum of Ukraine, Historical Museum named after D.Yavornytsky in Dnipropetrovsk<sup>13</sup>.

Thus, at the Ukrainian lands in the days of the Russian Empire was formed a unique culture of charity, when the majority of businessmen and merchants considered as honour to help the sick and needy, to support various cultural events.

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<sup>12</sup>O.Donik. Charitable, Cultural and Educational Activities of the Tereshchenko Family in Ukraine (the Second Half of the 19th - early 20<sup>th</sup> Century). / O. Donik. - K., 2001.-194 pp.

<sup>13</sup>I.Surovtseva. Art Patronage in Ukraine in the Second Half of the 19th - early 20th Century. / I.Surovtseva. - Donetsk, 2006. - 176 pp.

Ukraine today has a rich historical and cultural heritage – it is one of the leading countries in Europe in the number of monuments of historical and cultural heritage: almost 2.5 times higher than in Poland and twice more than in Russia<sup>14</sup>. But unfortunately, this powerful cultural potential is not fully exploited. Today there is a fairly low level of public management in the field of protection and preservation of cultural heritage, in the promotion of cultural and recreational brand of national heritage. The reason is the inertia of the administration, the lack of relevant information and intelligent technologies, etc. [9]

Thus, the issues of improving the financing of the sector are the most painful problem of its revival as a whole and one of the focuses of attention of the international community.

## **2. Strategy of national policy at the present stage**

### **2.1. Objectives, principles, and priorities of national policy in the field of cultural heritage**

In Ukraine, its cultural and historical memory is inextricably linked to the objects of immovable heritage that carry the nation's ethnic codes, embody its identity, ideals and achievements. The modern history of Ukraine shows that periods of occupation, totalitarian and violent changes of our history are primarily associated with the ***destruction and falsification of the historical memory of the people***, the demolition of authentic cultural heritage, which leads to assimilation, moral degradation, up to the total destruction of the nation. It is no coincidence cultural, intellectual and historical values of the society are the ***objects of national security*** (The Law of Ukraine On National Security).

So, at the present stage, more than ever, the protection of heritage is a priority of politics and ideology of the state. There is an urgent need to make a ***revision of the list of historical and cultural heritage objects***, and even of those monuments that are already in the Register. Priority shall be given to objects, emphasizing ancient origin, the meaning and role of the state, especially in

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<sup>14</sup>*Protection of Cultural Heritage in Ukraine*. [Electron. resource] // *Journal Museums of Ukraine* [website] – Access: <http://www.museum-ukraine.org.ua/index.php>

periods of independence. This is connected with the need to restore the historical memory.

The document Priorities 2014-2015 and the Creation of Prerequisites for the Intensive Care Reform Package of the Ministry of Culture of Ukraine stated: "Culture is the basis for the consolidation of the Ukrainian society, as a space of freedom and responsibility, competitiveness and creativity"<sup>15</sup>. And later in the same document: "Cultural Heritage of Ukraine, as part of the universal cultural heritage, is a form of collective memory, introduction to which is necessary for the development of personality. However, getting into the zone of conflict of interests, immovable and movable monuments of Ukraine are often become the subject of manipulation or a hostage of, and that carries a high risk of losing these unique resources of the country and its citizens. Today's cultural heritage requires full attention and protection."

Strategy of the national policy of Ukraine concerning cultural heritage should be determined by several factors. On the one hand, *the embodiment of European democratic values by means of the doctrine of heritage protection* and, on the other hand, *increasing displays of national, patriotic component, the identification of the nation*.

In theoretical terms, we should mention the transition from the protection of individual monuments to preserving and developing the environment in general (Cultural Heritage Development vs. Preservation), its active adaptation to modern needs, the creation of conditions for the preservation of historical memory. The priority of maintaining the existing landscape and the cultural landscapes as an expression of modern integrated approach to territorial preservation of the historical environment must be stressed. Cultural landscapes may include individual cultural heritage objects of all kinds and types.

Ukraine's authority in the world is largely dependent on the country's attitude to its historical and cultural heritage. Preservation and development of cultural heritage is one of the conditions of a real European integration.

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<sup>15</sup><http://mincult.kmu.gov.ua/mincult/doccatalog/document?id=367057>

Strategic direction of improving the cultural heritage preservation at the beginning of the new millennium is to bring Ukrainian legislation on cultural heritage preservation in accordance with international agreements and conventions, recommendations of the Council of Europe and UNESCO – in particular, taking into account the concept of UNESCO and other international organisations, the transition in the cultural heritage preservation activities from conservation of individual objects to the preservation of the environment as an organic whole. This means the transition from the protection ideology to the ideology of cultural heritage development.

The issues of environmental approach to cultural heritage development are reflected in international documents: Recommendation concerning the Safeguarding of Beauty and Character of Landscapes and Sites (1962), Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), UNESCO Operational Guidelines for the Implementation of the World Heritage Convention (1992), Declaration on the Conservation of Historic Urban Landscapes (2005), Vienna memorandum on World Heritage and Contemporary Architecture – Managing the Historic urban Landscape (2005), Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas (2005), Charter of Interpretation and Presentation of Outstanding Cultural Heritage Sites (2008), European Landscape Convention (2000).<http://rched.icomos.org.ge/?l=E&m=4-4&JID=1&AID=3&l2>

## **2.2. Preservation of cultural heritage as a reflection of the nation's identity. Phenomenon of the cultural genocide.**

The independence, which Ukraine obtained so unexpectedly and so easily in 1991, has never been reflected in national policies on cultural heritage. Ideological background of the heritage protection activities, as in Soviet times, is still based on the promotion and glorification of Soviet history. In his fundamental study *National Identity in Urban Architecture*, Bohdan Cherkes, Doctor of Architecture, director of the Institute of Architecture in Lviv, concludes that in the twenty-odd years of its independence, the Ukrainians have not been able to create a united mythology, an integrated heroic imagery that is necessary for the consolidation of any nation. In the western and eastern parts of Ukraine, na-

tional awareness developed along different paths, so apart from the heroic pages of the recent Soviet past and, partly, the ancient epic tradition those two parts of one country have never identified what they have in common in Ukraine's millennial history. Ukraine was desperately lacking an inspiring modern history to unify all of its regions [19].

***National identity is the key component of any state's national idea and the state itself.*** A new identity may be born within a nation as a result of political change or be imposed on it from without. All these years, Ukraine has been professing a kind of dualism. While the Ukrainians became increasingly aware of themselves as an independent nation, they still preserved a certain dependence on the deeply entrenched Soviet imperial attitudes and close ties with Russia. On top of that, the oligarchic, gangster type of capitalism exploited these sentiments skillfully, aiming to eradicate patriotism and enslave the populace.

So, at the present stage the issue of consistent and purposeful ***cultural genocide*** of Ukrainian heritage, history and architecture should be raised. It lasted throughout the Soviet history, and is still the basis for the heritage protection activities. Thus, the main task of the current stage of development of society is the approval of a new identity, finally creating an appropriate system of values, a new mythology. Identifying yourself with the nation is more than identifying with your profession or team; it is a way to ensure personal immortality through common ancestry, writes Bohdan Cherkes. Traditional values and myths of the nation are reflected in the works of art, literature and architecture and have lasting influence on people's minds.

It is necessary ***to revise the concept of a "monument"*** – in Ukrainian language it comes from the word "memory", and it means that it is necessary to include in the list of monuments not only the construction sites, but also memorable places, landscapes, restored objects and museum complexes. A monument always serves to build the future, not only to preserve the past.

It is necessary to restore, maintain and promote the long history of Ukraine-Rus, especially since independence. This seems self-evident, but the protection of the heritage is a part of the policy and ideology of the state. It should be recalled how many archaeological and architectural monuments were destroyed inten-



tionally or rebuilt beyond recognition precisely in order to erase the historical memory of Ukrainian statehood. Therefore, the main task today is to restore the nation's historical memory<sup>16</sup>.

All archaeological sites are subject to museumification. The main emphasis is on *the popularization of our heritage*. Even if there is nothing left from the ancient settlement, it is necessary to show the place and the beautiful landscapes, such as in Vytychiv, the ancient capital of Trypillia. *Ukraine is rich in archaeological monuments*, but they are completely unknown both in and outside the country. Luhansk Oblast alone has about 12,000 ancient mounds, but their number in the Register barely reaches 30. Moreover, even where such landmarks have been partly explored, they were not made subject to museumification and are not known to the broad public. The land around the mounds is not withdrawn from the agricultural cadastre, and there are no special signposts required by the law. This leads to vandalism and looting by “black archaeologists.”

Also, the *Ukrainian folk architecture* with its expressive regional characteristics is almost completely lost, but its drawings, descriptions and photos have been preserved in the creative legacy of the outstanding Ukrainian historian of architecture Viktor Samoilych and can serve as the foundation for their revival. The authors of the concept, jointly with the National Union of Architects of Ukraine, intend to hold the first ever international exhibition *Ukraine's Folk Architecture* in the Ukrainian Museum in New York City.

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<sup>16</sup>There is an instructive and unexpected touch to the list of monuments of local importance in Luhansk Oblast (<http://mincult.kmu.gov.ua/mincult/doccatalog/document?id=316061>) as it is shown on the website of the Ministry of Culture. Among the 478 registered monuments there are 30 archaeological sites, 24 historic buildings, and 45 monuments to famous individuals. The remaining 422 sites (a staggering 88 percent) are mass graves of Soviet soldiers in WWII. Characteristically, most of them were entered on the registry in 2010-2012 during the presidency of Viktor Yanukovich. The roots of a hostile ideology lie in the distorted doctrine of heritage protection that is still in use in Ukraine.

### 2.3. Losses and falsification of Ukraine's cultural heritage.

The monuments of Kyiv Rus – by far the most important layer of material history of this country – have been continuously re-built and purposefully demolished for centuries. The authoritative researcher and restorer Yuri Losytsky points out: "According to written sources, there should be, and have been excavated, 202 Ancient Rus monuments in the entire territory of pre-Mongol Rus (which is now shared by Ukraine, Belarus, Russia and Poland), but another 45 have not yet been found.<sup>17</sup> That is to say, throughout the entire period of the existence of the Ancient Rus state (up until the Mongol invasion in 1240) about 250 stone structures had been built. Of these, only 16 have survived in one or another state of preservation above ground level on the territory of modern Ukraine, of which only five are in Kyiv.

The history of Ukraine proper in the narrow and very concrete sense of its own national culture is represented by very few monuments [20]. With a few exceptions, these are the structures reconstructed or rebuilt from the Ancient Rus originals in the small area that remained under Ukrainian administration in the Left Bank (and was a Ukrainian autonomy within Russia). For less than 100 years from the last decade of the 17th to the third quarter of the 18th century – the Left-Bank administration included Kyiv on the right bank of the Dnieper and a tract of land on the left bank between Chernihiv in the north and Pereyaslav in the south. The period of the active construction of such buildings begins with the government of Hetman Mazepa and ends when Ukrainian autonomy was finally eliminated by Catherine II – the lifetime of a person.” [21]

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In Kherson Oblast, 1,919 WWII monuments and memorials are under state protection. Of these, there are 528 mass and 1,058 individual graves, 277 memorials and monuments in honor of fallen countrymen, 15 pieces of military equipment mounted on pedestals, and 39 memorial sites and houses.

<http://partyofregions.ks.ua/news/5241c258289a37dd936400e5#sthash.zOU49UaK.dpuf>

<sup>17</sup>P.Rappoport. *Russkaya arkhitektura X-XII vv.: Katalog pamyatnikov* (Russian Architecture of the 10th-12thCenturies: A Catalogueof Monuments). *Arkheologiya SSSR* (Archaeology of the USSR), IssueE1-47.– Leningrad, Nauka Publishers, 1982. – 132 pp.

The number of surviving stone monuments of Left-Bank architecture dating from that era, Yuri Losytsky further specifies, was approximately defined in the book of M. Tsapenko<sup>18</sup>— about 40 churches and cathedrals, and as many of other types of buildings — bell towers, refectories, schools, palaces, and other (stone) buildings, including residential houses. If we add to this the number of Kyiv's lost structures from the same period (based, for example, on the catalogue of Titus (Tyt) Hewryk with a map of ancient Kyiv by Liudmyla Protsenko<sup>19</sup>), there will be about 20 buildings more. In other words, the total number of stone buildings remaining from the time of the ancient Ukrainian (Ancient Rus) state and the Ukrainian autonomy is unlikely to exceed one hundred.

*The lost landmarks include some of the largest and best known buildings that embody the cultural identity of Ukraine* and are the most closely connected with its struggle for independence. A list for Kyiv alone, compiled on a purely formal basis of size (building volume) will objectively illustrate the situation:

- The Dormition Cathedral of the Kyiv Pechersk Lavra (destroyed);
- St. Sophia Cathedral (survived);
- St. Michael's Cathedral with bell tower (destroyed);
- Holy Theophany Cathedral with bell tower (destroyed);
- St. Nicholas Military Cathedral with bell tower (destroyed);
- Sts. Peter and Paul's Church with bell tower (destroyed);
- Church of the Theotokos of Pyrohoshcha (destroyed);
- St. Cyril's Church (survived);
- Three Holy Hierarchs' (St. Basil's) Church (destroyed);
- St. George's Cathedral of the Vydubychi Monastery (survived);
- the bell tower of St. Cyril's Monastery (destroyed);
- the Church of St. Nicholas on the Embankment (survived);
- the Church of the Resurrection of Christ (destroyed);
- St. Nicholas' Prytyska Church (survived);
- the Church of the Nativity of Christ (Shevchenko's) (destroyed);

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<sup>18</sup>M. Tsapenko. *Arkhitektura Levoberezhnoy Ukrainy XVII-XVIII vekov* (The Architecture of Left-Bank Ukraine of the 17th-18th Centuries). - Moscow, 1967.

<sup>19</sup>Tyt Hewryk. *Vtracheni pamiatky Kyieva* (The Lost Landmarks of Kyiv). - New York-Kyiv, 1991.

- St. Michael’s Church of the Vydubychi Monastery (survived);
- the Church of St. Nicholas the Good (destroyed);
- the Church of the Protecting Veil (survived);
- Sts. Constantine and Helena’s Church with bell tower (destroyed);
- St. Elijah’s Church (survived);
- All Saints’ Church in the Shchekavytsia Cemetery (destroyed); and
- Samson’s Fountain (destroyed).

The current state of Ukraine’s architectural heritage is a sad sight. Its definitive stone structures— Orthodox churches (especially those from the time of Hetman Mazepa) — have been destroyed, with new buildings rising in their place in the majority of cases; the wooden architecture, which shaped the skylines of Ukrainian towns and villages for centuries, has disappeared without a trace; and so has urban defensive architecture, which in Left-Bank Ukraine and in Kyiv was built with wood and earth.

***As we can see, the defining elements of the historic environment of Ukrainian culture have been lost to the ravages of time or destroyed intentionally.*** If one compares Kyiv with any historic city in Europe west of Zhovkva and Lviv, where there are stone cathedrals, the town hall, and the medieval layout of the city core with period buildings and fragments of the defence system, Ukraine’s capital may seem like latter-day wilderness with a few individual churches peeking out in places.

While we still have some remaining landmarks to protect, preserve and restore, the most significant part of our national heritage has been destroyed and can only be reconstructed.

In these circumstances, the need to restore the true history requires its widespread promotion and categorical prohibition of further destruction or falsification. We must strongly resist the construction of a modern church of the Moscow Patriarchate on the archaeological remains of the Tithe Church. The tasks of the cultural heritage preservation activities are to elevate the significance of Kyiv as the capital of Kyiv Rus and to introduce a stricter ban on construction activities.

## **2.4. Recovering the lost objects as the basis for reconstructing the history of Ukraine.**

One of the most challenging problems of preserving historical and cultural heritage is the issue of possibility and reasonability of restorations.

The question is – what more important: authentic appearance or authentic remains – is on the resolution of restorers. On one hand, monument ruined and deformed authentic part itself is to be restored. On the other hand, its integrity cannot be preserved because the part does not have an authentic appearance anymore.

There are objects that are preserved perfectly. For example they are 200, 300 or even 1000 years old but they always have some layers, attained throughout its lifetime. For example, the initial structure of the St. Sophia Cathedral of the XI century is authentic for that time period. The masonry from the XVII century is authentic for the XVII century. So, authenticity is the key point, but the key point to what, material basis or an art work that has an example of taste and works of the past times? Restoration and application documentation is drawn up accordingly.

If there so many questions arise even over partial renewal or restoration of a surviving landmark, then what can we say about restoration of destroyed monuments when we do not have true information about their appearance?

The concept that all traces of history enrich the living environment first emerged in the 17th-18th cent. In the present territory of Ukraine, it was translated into the building of “picturesque ruins” that we can see today in Sofiivka, Oleksandria, Kachanivka and other large parks. Now they are apparent architectural monuments that embody the earliest and very naïve materializations of the value of a restored historical and architectural heritage.

In the mid-19th century, when there still existed many medieval buildings, the method of “total restoration” of the visual image of a building spread widely across Europe. In the first part of the 20th century, a considerable part of European architectural heritage was destroyed in two devastating wars, and the restoration of destroyed buildings was being opposed and criticized. Restoration of what was destroyed was claimed to be fake and history

falsification that replace authentic remains with copies. The Athens Charter of 1931 and the Venice International Charter for the Conservation and Restoration of Monuments and Sites of 1964 recommend anastylosis as the main method of restoration. Chart declaration emphasizes that “restoration ends when hypothesis starts”.

But the situation in Ukraine differs from Western Europe in the scale of destruction of material history.

Not only more than a half of the most distinguished buildings were lost – precisely *the most distinctive buildings that embodied the Ukrainian cultural identity were destroyed*. Their loss will persist in the memory of many generations to come.

Unfortunately, according to the current legislation of Ukraine, a restored building is not considered a monument, so its restoration accuracy and degree of correspondence to the original are not protected by the law or controlled. Furthermore, the realization of a restoration project is made equal to that of any construction project and does not require certification by an expert restorer. Thus, a restored copy is not protected against barbarian rebuilding of any kind.

But even the sites of destruction of architectural landmarks should, in fact, be considered a monument because they store the memory not only of the destruction of a building, but also of the terrible events of the class struggle, the Red Terror, the across-the-board destruction of churches, the political repressions, the Holodomor, and the enormous, senseless human losses in the war.

Today, we have to state that the scale of elimination of the authentic cultural heritage has reached a critical level. Subsequently, the traditional character of the urban environment and the identity of Ukraine’s multinational culture may be lost irrevocably, and this country may lose much of its international appeal. The restoration of the destroyed buildings is very important ideological issue. Including cultural genocide, that has mutilated Ukrainian real history and heritage, restoration of the most valuable buildings and even territory fragments must be a step to Ukrainian faithful history reconstruction, establishing the truth.

Nowadays, restoration study unreasonably spreads unconditional authenticity priority on aesthetic emphasis branch, which means building value as a piece of art. Restoration of destroyed buildings is only recognized as a necessary exception from resto-

ration practice. Restored works of architecture without a proven authentic basis are undeservingly called fakes and mock-ups, and such reconstruction practices are condemned as unprofessional, unscientific, and illegal.

Components of any art work are creation, performance and carrier. Creating (a work) is a birth of information by means of which author imparts a certain emotion to a viewer and listener. This particular information that distinguishes a statue from a mannequin, a painting from a photograph, a poem from an official note, etc. is the basis of any art-work. Performance is only a transmission method of created information through some carrier or vehicle (material, sound and colour) which directly affects our organs of senses.

Artworks that are called spiritual (nonmaterial) are created by one person and performed by others. A monument of material culture is an old thing that is valuable only because of its authenticity and it's not so important to what extent this thing is a piece of art. The only quality that defines a notion "monument of material culture" is authenticity and rareness. Authenticity cannot be restored, and if an original is lost then a monument of material culture is unavoidably lost.

Architecture has been compared to frozen music. Its works can be real art, and such buildings must be restored at any cost. A work of architecture (its form) is created by the architect to be performed by others, and in that context architecture is similar to music, and the architect's role is similar to that of a composer. Like in music, the vehicle of art and of spiritual culture in architecture is the author's idea (design). It is the visual image of a building, its proportions, and inherent expression that lend it emotion and make it an art work, in other words – a work of spiritual culture.

So, the question of restoring architectural structures to return their historical identity to memorial sites is being raised with even greater importance today. Also, it requires a positive solution from all the sections of a society whose architectural heritage has largely been destroyed to deprive the nation of its ethno-cultural identity.

### 3. Urban policy in the field of cultural heritage. Sustainable urban development based on cultural heritage

Urban development with an eye to historical heritage is one of the most urgent topics of modern urban planning. It is an open secret that its historical memory is fast becoming mankind's weak point. In connection with the rapid urban development and political changes, there is a constant decrease in the number of monuments and the aspect of cities the world over is rapidly changing.

The issue of preservation of historic character of ancient cities, including their centres is not new and acute arose in the middle of the 20th century. Public outcry on intervene in the historic redevelopment has prompted even at the legislative level, a number of measures, in particular, to limit or even prohibit new construction within historic areas, introducing the zone of protection of cultural heritage. To protect the single urban facilities (ensembles or complexes), sometimes they were given the status of nature reserves. [22]

Nowadays, one of the effective measures for the preservation of inherited character of the city and, therefore, for the limitation of the constructing in the historic environment, is to give to the historical territory of the settlement the status of *historic area*. The establishment of monuments protection zones, providing to territorially organised formations (ensembles, complexes) the status of reserves or the urban planning monuments, or the selection in the system of the city's historic areas, which are aimed at restricting and regulating the new construction in the territories, are generally defined as *territorial conservation measures on immovable cultural heritage*.

Local measures are primarily can determine the limits in the system of the city and classify according to the historical and cultural significance of *the areas of inherited environment of urban planning*, namely:

- areas of individual monuments and urban planning monuments, including reserves;
- areas of monuments protection zones of all types and categories;
- the combined territory of heritage protection zones within historical ranges;
- protected archaeological territories;



- protected cultural landscapes;
- development regulation zones.

### **3.1. The development strategy of historic settlements based on the priority of the cultural heritage.**

Policy in the field of cultural heritage preservation should be closely linked with the national policy of sustainable development of the human settlements of the state. It determines the prospects of legal regulation, planning and development of territories, stimulating the investment, improving tax policies, content and rational use of the local budget for social and economic development of the city.

Modern understanding of sustainable development is much broader than the initial environmental paradigm and includes, in addition to the environmental, socio-economic and socio-humanitarian components, which are directly connected with the culture. And culture is an ethnic nation code – the key to its sustainable development. So the task in the field of heritage preservation should be defined widely enough in accordance with its exceptional importance – to save the nation's ethnic code for maximum reproduction and continuity between future generations.

Cultural heritage preservation is a key element of the strategy of urban renewal. The principle of integrated heritage preservation should include initiating, controlling and coordinating of the executive authorities of state power at the same time with the creation of partnerships with public and private sector.

The task of heritage development have to be addressed not only to heritage preservation authorities, but also to the organisations that are responsible for the issues of urban planning and architecture, economy and industrial development, environment, transport, landscaping, property, housing and communal services, legal services.

Modern principles of urban development should include the active participation of the community in heritage development, and also the heritage integration in social and economic life of the city, providing new features to the heritage objects that are useful to the local community. The new strategy should be based on balanced and harmonious relationships between the demands of the

public, governments, religious confessions, economic activities and the cultural heritage preservation.

In today's market relations the immovable monuments should be considered as objects of great social and cultural importance and as objects of potential investment and development of financial, technical, scientific and technological bases for the formation of cultural heritage development. [23]

### **3.2. Restrictions and management regimes of usage of the zones of heritage protection.**

Restrictions and management regimes of usage of the zones of heritage protection<sup>20</sup> are determined in the relevant scientific and project documentation and approved by the authority of protection of cultural heritage. In August 2013, the Order of the Ministry of Culture of Ukraine On Approval of the Procedure for Determining and Approval of Boundaries and Regimes of Use of Cultural Heritage Protection Zones and Making Amendments to Them has been developed. It was aimed to the practical implementation of the Law of Ukraine On Protection of Cultural Heritage on the approval of the procedure for determining the boundaries and regimes of use of the monuments.

<http://mincult.kmu.gov.ua/mincult/uk/publish/article/346100;jsessionid=62C6646611AD7981AA602DCA464A2358.app1>

In the process of defining the protected zones *the territory of the monument and its protected zone* are usually defined. L.Prybieha in his article [22] analyses urban planning restrictions in historical areas of the city. "The protected zone of the monument is an area that needs to save the nearest environment of the object. It includes the area of historic buildings, landscapes, open spaces that make up a characteristic environment of the monu-

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<sup>20</sup> The procedure for determining and approving the boundaries and regimes of use of protected zones and amending them fixed by the central executive authority, providing the formation of the state policy in the sphere of cultural heritage protection in accordance with DBN B.2.2-2-2008 ("The composition, content, procedure development , and approval of scientific and design documentation for the definition of borders and modes of use of zones of protection of monuments of architecture and urban planning ")

ments, as well as valuable observation platforms. According to historical practice, the construction of new facilities is allowed in the protected zone, but in height, in size of plan and in scale, they obey the monument and historical environment. Thus, the core of the protected zone is the territory of the monument. Since the status of the territory of the monument is higher than the status of the protected zone, any economic activity, including the construction of new facilities on the territory of the monument, are not allowed.

*The territory of historic range* should also be seen as a unified protected zone of monuments. Geographically, the territories of monuments, protected zones of cultural heritage, urban planning monuments, historic and cultural reserves and protected archaeological territories integrate themselves in the historic ranges. Territory of historic ranges should not be identified with the urban planning monuments. In contrast to the historical ranges, which are defined as territorially unified set of monuments, the urban planning monuments are the historical ensembles or complexes. The ensemble here is a compositionally harmonized system and territorial integrity of buildings and open spaces, which historically formed. A complex here is geographically structured system of functionally and historically related buildings”.

Formation of open spaces is the basis of urban planning. Consequently, says Leonid Prybieha, "the territory of valuable urban structures should be considered as a zone of protection of monuments: the protected zone and development regulation zones, are set around. Obviously, it is not allowed to build new facilities on the territory of: individual monuments, urban planning monuments, as well as in areas of protected archaeological territories and cultural landscapes. However, in the protected zones of monuments, and in the system of historical areas (except the territory of monuments), and in the development regulation zones, the new construction is not excluded, in compliance with the requirements of the protection of monuments. A similar approach applies to the protected zones of historic and cultural reserves. Thus, based on the principles of cultural heritage preservation zoning, in the system of historical city are primarily terri-

tories, in which the new construction may be conducted under certain conditions and restrictions.

To clarify places of contemporary architecture placement in the system of formation, determination of the nature of three-dimensional structure and plastic interpretation of new facilities, it is necessary to understand the essence of the historic environment within the corresponding area.

The environment of the old part of the city, which contains only the space-time field, is not uniform over the historical and cultural richness of content. Sectors of urban planning environment with monuments, memorable ensembles and complexes in combination with the surrounding environment, stand out with a much greater pithiness and determine the historical and cultural character of the city, forming its image. So, the authentic architectural forms, authentic state of the material basis of monuments (as documentary evidence of history and works of architectural and urban art) with a spatial carcass of appropriate environment give pithiness to it and maintain its historical and cultural image.

Unlike Yu.Losytsky, L.Prybieha believes that “the spread of retroversion in a modern architectural creativity not only leads to dramatization and falsification of historical environment of urban structures, to distortion of historical and cultural landscape of the city, but in general, hinders the development of architectural culture, orient it in the reverse direction.

There is no need to get involved in the restoration reproductions or reconstruction of missing structures of spatial carcass. The restoration detuning of architectural works that were destroyed a long time ago, are exceptional phenomenon and may be appropriate only when they have historical, artistic or urban planning value. That is, new facilities, wherever they were built, including the historic environment should be modern, to display the modern level of architectural creativity, in the context of world achievements, and at the same time to reflect the national traditions.” While agreeing with this position as a whole, it should still be noted that the current period is special for the history of Ukraine. The first step is to strengthen the patriotic and European integration components, including by means of recreating the lost monuments.

New facilities must comply with historically stable system of environment, have a common scale and integrate harmoniously with the historical context of the building, which is largely dependent on the culture and professionalism of the architect. However, this approach only applies to protected zones of monuments within the territories of historical areas. As for the environment of monuments of urban planning and historic and cultural reserves, which inherently are urban planning monuments, it should maintain its historically inherited space-time structure. And it should not be violated by the new redevelopment. As for archaeological areas and landscapes, which are protected, the new redevelopment here is excluded at all. In other areas of the historic environment, particularly in the only high-rise parameters of modern architecture are development regulation zones, regulated by the measures on protection of monuments.

To date, *the procedures for the development of scientific and project documentation of limits and regimes of use of the zones of heritage protection remain undefined*. Undefined are also the subjects, who are entitled to the development of such documentation; and the standard factors that should be taken into account by developers of scientific and project documentation in defining the limits and regimes of usage of zones of monuments protection.

Consequently, it is necessary to establish uniform requirements for the territorial organisation of monuments and to settle the administrative relationships between the authorities of cultural heritage protection and economic entities – the specialized scientific research and design organisations, which arise during the development and approval of scientific and design documentation for the definition of limits and regimes of usage of zones of monuments protection. It is also necessary to provide the informing of economic entities, which carry out certain kinds of economic activities in the areas of protection of monuments, about the standard conditions and restrictions that are related to the regime of use of these territories.

### **3.3. Typical violations in the areas of protection.**

#### **Need for new policy.**

The urban planning regulation of areas of historic redevelopment, the zoning of the territory, the regulation of the basic

parameters of urban planning in accordance with the conservation status of the urban environment and with the level of historical and cultural potential of the territory and with the transformation features of the traditional urban landscape are the highest priority of improving urban planning legislation in the context of cultural heritage preservation.

The most valuable things in the city are: its urban planning carcass, the connection between the different urban spaces (built, free and green areas); the historic urban landscapes that have a city-forming role; general historical city silhouettes – the complex and the ratio of natural landscapes with a system of architectural dominants, compositional axes and the direction of perception of the dominants, the observation points, from which the architectural ensembles reveal, panoramas and perspectives of open spaces, the main historical streets and squares; links between the city and the environment. According to Law on Cultural Landscapes the great value and dignity of the historic city are its panoramas.

One of the urgent tasks of the current policy in the field of cultural heritage should be the need for constant monitoring of historical and cultural heritage with entering the relevant information in the records of historical and architectural supporting plans of cities, to adjust the number of objects of cultural heritage in the city, the territories of protected areas etc., to prevent the numerous violations.

The problems of typical violations of the law in the buffer and protected zones of historic cities can be traced by the example of the most valuable and famous *monument of the World Heritage of Kyiv - St. Sophia Cathedral*. The area that adjoins the reserve "Sophia of Kyiv" – more than 100 hectares – forms the buffer zone of the monument. Despite the strict conservation status, this area is in a state of permanent construction. This leads to a gradual destruction typical of traditional observation points and the loss of a dominant position of belfries of these complexes as major urban planning dominants. At the 37th session of the World Heritage Committee, held 16-27 June 2013 in Cambodia, UNESCO observation mission said that Ukraine for many years does not fulfil the requirements in the field of protection of monuments of world importance in the Kyiv-Pechersk Lavra and St. Sophia.

Under the threat is also *the territory of Kyiv-Pechersk Lavra monastery* and cave complex. The buffer zone is overloaded with new disharmonious structures; there is a threat of rising of groundwater level, soil sediment and landslides. The picturesque panorama of the Dnieper hills is gradually cluttered by the ultra-high new buildings. There are fears that if there will not be a moratorium on construction in the buffer zones, Sofia and Lavra can be introduced in the list of the objects, which threatened with exclusion from the list of UNESCO monuments of world importance. Ukraine received the first warning back in 2009.

The worst thing is that the new illegal construction steadily covers the *hills of the Dnieper* – a breathtakingly scenic landscape, which is formally under the state protection, but is destroyed by the high-rise buildings. The total area of the landscape complex of the Kyiv hills and the valley of the Dnieper is approximately 400 hectares. By law, only facilities servicing the complex of monuments can be built there.

*The situation outside the buffer zone* of the World Heritage is even less controlled. Lawlessness in the redevelopment of the centre began with the reconstruction of the city's main street – Khreshchatyk – at the end of the 1990s. Let us recall that the main street of Kyiv – as considerably destroyed during the Second World War and rebuilt on a new scale in the 1940s-1950s. Its holistic and harmonious ensemble was a unique object of that period, which was in perfect harmony with the landscape of Kyiv slopes. However, the reconstruction of the central square – Independence Square, the construction of underground shopping malls in the late 1990s changed the face of Khreshchatyk not in the best way.

The situation also is not better with other *public spaces*. Kyiv gradually loses the fragments of urban planning space – free space, which are built by high-rise buildings.

Attitude to the historical heritage in Kyiv has acquired a cynical nature of flirting – high-rise buildings for more "contextuality" are decorated in the style of pseudo baroque and with tasteless completions, but their height is not reducing. In recent years, the discrepancy to the protected environment and even to the primary projects became particularly blatant.

Another example of unprofessional, barbaric attitude towards heritage is the construction of pseudo historic buildings, many of which are not even supported by textual descriptions, not to mention the graphic documents. So instead of true history the imaginary one is being built, that has nothing to do with reality.

Particularly dramatic is the situation with the Tithe Church, a shrine of all Slavs, since it was the first Christian church of Kyiv Rus. It was destroyed in 1240. Its look is not exactly known, only the foundations are preserved. However, the past two years, the church administration of the Moscow Patriarchate actively promotes the idea of a new building of a huge temple directly on the remains of archaeological monument.

Specialists in Kyiv are also concerned about *the historical and architectural basis of the master plan of Kyiv*, which was developed for the new "Master plan"- 2025 and is meant to replace approved Master plan- 2020. In case they approve this absolutely unprepared "document", which does not comply with the legislation on the preservation of historical and cultural, architectural, urban planning and natural heritage of Kyiv and failed public debate – a historical and cultural heritage of Kyiv threatens even greater destruction.

"Unfortunately, the vast majority remarks (from "the historical and architectural basis of the master plan") have not been eliminated: executors made "face-lifting" corrections, which do not solve the problem of preservation of historical and cultural heritage of Kyiv. This is unacceptable because action of the new Master plan and, accordingly, the historical and architectural basis of the master plan, and the limits of zones of protection of historic areas must have unlimited duration. Analysis shows that the Master plan-2025 legitimizes the de facto committed and planned illegal construction in historical areas. And this distorts the cultural landscape of the city. It substantially reduces the territory of historical ranges, ignores the architectural and urban planning heritage and the lands of historical and cultural appointment, and does not establish the parameters of preservation of unique views, panoramas and natural landscapes of the city. Conceptually, it is directed to the aggressive redevelopment of historic Kyiv, and therefore represents a real threat to the preservation of



its cultural and natural heritage, particularly to the monuments included in the UNESCO World Heritage List”.

<https://www.facebook.com/photo.php?fbid=10204393779312896&set=p.10204393779312896&type=1&theater>

<https://www.facebook.com/photo.php?fbid=10204393564787533&set=pcb.10204393741791958&type=1&theater>

So, the numerous *violations of the law on protection of monuments in the protection zones* in the capital can be reduced to the following:

- High-rise construction;
- Construction of fake monuments, simulations;
- The destruction of the monuments of history and archaeology;
- Destruction of historical panoramas and views;
- Decorating the new buildings with pseudo-historical details.<sup>21</sup>

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<sup>21</sup> The situation with new buildings in historic areas is not new. In Europe, there is even a term “Bruxellisation”, which means chaotic approach to reconstruction of cities in which takes place the uncontrolled mass demolition of historic buildings, which are replaced by modern buildings. The term arose in connection with the mass demolition of historic buildings in Brussels in the 1960s and 1970s, before the World Expo 58. Construction companies, with the support of municipalities and municipal authorities have launched a massive construction. Entire neighborhoods were cleared from the populace and office buildings were built. Among the demolished monuments were the building of the 18th century and the relatively young People's House designed by Victor Horta. In the 1960s, a mass practice of "voluntary" bringing of neighborhoods to an emergency condition formed in Brussels. Developers skillfully organised the rumors of an impending demolition, residents move down from convicted houses, abandoned houses (bought up on the cheap) for several years to come into complete disrepair.

The second distinguishing feature of the Brussels practice, which is successfully used in the modern investment policy of the post-Soviet countries, is the closed project activities, the abandonment of public tenders and public discussion of projects. The third feature of Brussels is the lack of integration between the development of the city and surrounding areas.

Later adopted restrictions could not change the overall situation in the city because in Brussels under the protection is scanty number of buildings. This led to the fact that Brussels has suffered more from the modernization in the second half of the XX century than from wars.

Modern architecture in the context of the protection of immovable cultural heritage is one of the important components of strategy of preservation of cultural heritage. Development regulation zones should determine the possibility of new construction on the territory of unfinished or degraded urban environment, torn street fronts, intra-field sites and on the places of lost buildings.

New construction should serve to the restoration of the urban environment, the reproduction of the lost elements of the historic urban landscape, planning structure, scale, articulations, rhythm, silhouette, visual communications, and spatial relations of the building. Regeneration and renovation as more creative methods should dictate to the new architecture the need to identify the internal laws of the historic environment, the architectonics of artistic images.

Architects usually work outside the area of the monuments, and in most European countries, they are hindered by the system requirements. But in many countries of our region, in particular this applies to post-Soviet countries, the laws have declarative character, they are not provided with the necessary documentation and poorly executed. Now is the time for uniting the efforts of architects, public and organisations that are involved in the protection of heritage.

After all, immovable heritage is not only a slice of culture, but primarily an architectural, creative work. Frank Lloyd Wright wrote: "All lovely architectural values are human values, otherwise they are not values." Popularizing the architecture of the past, we increase the rating of the architecture of present time; while respecting the work of our teachers, we educate our learners to respect us. Working contextually, we preserve the face of our cities for future generations.

Only architects can give a second life to the heritage. Cultural heritage should be used; it must be brought to development programs. [24]

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All the negative experience of "Bruxellisation", unfortunately, is widely used in the capital of independent Ukraine.

### 3.4. Protection of cultural landscapes and views

Landscape as a fundamental principle of development of the historical territories has not only the historical, cultural and aesthetic value, but also the historical memory, associative aspects. In the formation of individual architectural appearance of the city landscape plays a positive and decisive role. Question of interaction of the landscape, historical redevelopment and modern construction is an important problem from the point of view of preserving the historic appearance of the city.

Currently, in the practice of protection of monuments there are *two methods of preservation of historic landscapes*:

I. The definition of the zone of protected landscape of historical settlements;

II. Taking on the state account as landscape object of cultural heritage.

In the first case the protected landscape zone regime should ensure the protection of natural and predominantly natural surroundings of monuments. It provides the preservation and restoration of valuable natural and landscape qualities of the landscape associated with the monument, the elimination or visual neutralization of buildings, facilities and spaces that distort this landscape.

Measures of landscape conservation should provide the protection of the landscape topography, ponds, vegetation and reproduction of historical appearance, maintaining visual connections of monument with the natural and predominantly natural surroundings, which have a historic value, protection of the coastal, grassland areas from landslides and erosion, strengthening the slopes, ravines, their greening; carrying out other environmental measures. The territory that defined as an area of protected landscape can be used for recreation with minimal beautification and for traditional activities that do not violate the landscape.

The term "*landscape objects of cultural heritage*" appeared in the Ukrainian legislation in late 2004 with the adoption of the Law of Ukraine On Amendments to the Law of Ukraine On Protection of Cultural Heritage from 16.12.2004 № 2245-IV and has been identified as *natural areas of historical value* (n. 2, p. 2). Considering the international commitments taken by Ukraine,

the terminological definition of "landscape objects of cultural heritage" and "cultural landscape" are used as identical.

Attention to objects of cultural heritage landscape is a demonstration of the modern integrated approach to territorial preservation of the historical environment.

Landscape objects of cultural heritage are a specific type of immovable monuments which belong to the type "sites." Landscape objects of cultural heritage by size, shape of territory and composition of the elements that determine the cultural value, authenticity and integrity, belong to the group of the most diverse and complex types of sites. They can cover a variety of formations – from urban or rural squares, gardens and parks to large areas of non-urbanized territories of various purposes.

***Landscape object of cultural heritage must meet at least one of the following criteria:***

- to have special historical and cultural value;
- to meet the criteria of authenticity i.e. retain their natural composition, spatial structure, shape and material and technical structure;
- to influence the development of culture, architecture, urban planning, art of a certain settlement, region, country;
- be directly related to historical events, beliefs, life and work of outstanding people of a certain settlement, region, country;
- to be an example of the landscape, which illustrates significant periods in the history of society; and
- to represent a masterpiece of creative genius, include works of outstanding architects.

As the sample seems the most appropriate the use of ***the concept of protection of monuments of Poland***, which is based on notion of cultural heritage as a number of historic landscapes connected among themselves and human environment. There are several types of cultural landscapes:

- harmonious cultural landscape;
- anthropogenic (purposefully created) landscape;
- industrial landscape;
- landscape of a battle site;
- landscape of interconnected monuments of nature and technology;
- sacred landscape;

- religious landscape; and
- urban landscape.

[http://www.ifapcom.ru/files/Monitoring/onufrienko\\_polska.pdf](http://www.ifapcom.ru/files/Monitoring/onufrienko_polska.pdf)

Thus, the cultural landscapes is a manifestation of the territorial approach of preserving cultural heritage in its diversity. They provide an opportunity of integrated conservation of territories, integrity environment architectural and urban planning, landscape and natural composition and artistic interaction of different attractions. They are an important component of the overall array of cultural heritage and may include individual objects of cultural heritage of all kinds and types.

To preserve the traditional nature of the environment, the cultural space of society and landscape objects of cultural heritage, they gain the most weight and require the identification, researching, and taking them on the state account.

Thus, a symbiosis of open spaces and dense terraced houses gives a unique feature the environment of historically districts of Kyiv. Open spaces are an integral part of the architectural and urban planning heritage. Together with the waterways they form a complex of cultural landscapes and ecologically sustainable territories of historical environment.

Human activities are accompanied by an intense transformation of nature that often leads to its degradation. This process has gained such proportions that at this stage we can state the loss of landscapes, unique in its national identity, which were formed under specific environmental conditions and geographic location, and over the centuries immortalized in material forms the history and culture of peoples.

The urgency of the issue is enhanced by the fact that the Land and environmental legislation of Ukraine has no regulatory definition of ***"landscape use and protection of land."***

This is explained by the fact that the formation of a new legal model of regulation of land relations in accordance with modern trends and perspectives legal regulation of relationships on the use and protection of land is only beginning in Ukraine. Ukraine became a member of many environmental agreements and is actively working on the implementation of European standards in the domestic legislation.

This focus of the legislation of Ukraine is coordinated with European Landscape Convention, ratified by the relevant Law of Ukraine from 07.09.2005. According to the recommendations of the Pan-European conservation of biological and landscape diversity of 25.10.1995, the government of Ukraine developed National Programme for Ecological Network for 2000-2015.

Task of legislation in this sphere in accordance with the Law of Ukraine On Environmental Protection is to regulate the relations for the protection, use and reproduction of natural resources, ensuring environmental safety, preservation of landscapes and other natural complexes, unique territories and natural objects that are associated with the historical and cultural heritage, and others. The law contains a provision on the preservation of the spatial and species diversity and integrity of natural objects and complexes.

The current classification of landscapes should be reviewed by experts in architecture and urban planning. That is ***the basis for land classification*** (division of land based on its intended purpose) should be socio-economic and ecological functions of the landscape, which should be taken in determining the legal regime of the land and to ensure their landscape use by individuals and legal entities in the implementation of measures for protection and rational use of land of different categories.

The formation of the ecological network according to Section 1 of the Law of Ukraine On National Program for the Formation of a National Ecological Network of Ukraine for 2000-2015, includes changes in the land structure of Ukraine. Some parts of land of the economic use can be attributed to the special protected categories with restoration of their inherent diversity of natural landscapes (based on the study of environmental safety and economic feasibility). ***The wealth of natural landscapes is the property of the Ukrainian nation, its natural heritage and should serve the present and future generations, as enshrined in the Constitution of Ukraine.***

It should be noted that the legislation on the formation of an ecological network of Ukraine "does not quite fit in with the land legislation" and not intertwined with the laws of architecture, urban planning and protection of historical objects.

Land Code of Ukraine has the importance in providing landscape use of lands. It established the ecological imperatives that govern economic and other activities of landowners and land users.

Law of Ukraine On Land Protection establishes that the basis for the division of land for their intended purpose is land zoning as a procedure of their division into groups of natural characteristics, the establishment of separate zones within the required types of environmental restrictions on land use.

Law of Ukraine On the beautification of human settlements is dedicated to providing the proper condition and ecological role of anthropogenic landscapes. [27] It contains a number of "landscape-oriented" standards. The rules of this law can be used to determine the legal status of lands of residential and public buildings, although its provisions are general and do not reflect the features of the use of land for different needs and landscape territory organisation.

Normative legal acts, adopted during the independence of Ukraine, constitute a very significant legislative array. The land legislation of Ukraine includes more than 80 laws, among them about ten principal ones, in which the term "landscape" is mentioned more than 100 times.

Norms which have declarative character and do not reflect the features of the legal regime of the lands in terms of their landscape use, environmental protection, environmental security, ensuring the implementation of the constitutional principle – "the land is the main national wealth that is under special state protection" still dominate in the current legislation of Ukraine [28, p. 14], and so on.

This does not allow asserting about the effectiveness of standards set forth in the Land Code of Ukraine regarding the provision of landscape approach to the regulation of land relations. It seems a necessary to bring the Code into conformity with the principles and general approaches, which are set out in the regulations of not only environmental legislation,<sup>22</sup> as well as proce-

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<sup>22</sup>In particular, the Law of Ukraine On Environmental Protection, On National Program for the formation of a national ecological network of Ukraine for 2000 - 2015 years, On Ecological Network in Ukraine, through the prism of the object of legal regulation (the land and the land

dures for their implementation through the planning urbanized lands, including by way of zoning and landscape approach. It is necessary to achieve the harmonization legal prescriptions of Ukrainian legislation with EU legislation, in particular in the field of landscape approach to the regulation of the use and protection. Promising is public participation in making decisions on planning territories, as well as taking into account the major trends of the modern EU law on the preservation of landscape diversity, *the protection of historic landscapes*.

If we will go deep into the legislation of the EU Member States and associated countries in the field of regulation and protection of landscapes, we will get the following statistics: in seven countries (Belgium, Italy, Malta, Portugal, Slovakia, Switzerland, and Macedonia) landscape as an object of articles enshrined in the Constitution; in 8 countries (France, Hungary, Italy, Lithuania, Malta, the Czech Republic, Switzerland, and Macedonia) landscape is the object of a special law. In some countries, the landscape is the object of articles of other, more general laws. A good example of special landscape legislation include: in Italy – Code of landscapes and cultural heritage, in the Czech Republic – the Law on the Protection of Nature and Landscapes, in Norway – the Landscape Strategy.

Obviously, there is an urgent need in Ukraine of creating of a special legal act, the purpose of which will be to consolidate, unify the provisions of landscapes, which are contained in other laws, their further detailing and development. Such a law would cover all possible issues that may arise in the field of landscape management.

The current state of legal base in the field of landscape management is characterized by its fragmentation and the lack of a systematic approach. *Landscapes (especially historical) as independent objects of legal regulation are not considered in the current laws of Ukraine*. Since all the main acts of environmental legislation of Ukraine were taken before the country joined the European Landscape Convention, they could not take into account the requirements of the Convention. This should be corrected. The development of a special law should serve exactly this case.

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plot as the basis of the landscape) through the establishment of the list of main restrictions and regulations on the use of land.



When considering such important and topical issues as the legal regime of the landscape, both theoretical and practical legal property of Ukraine and the European Union in this area should contribute to the formation of a new direction of development of environmental law, which in the future will lead to positive results in practice.

Formation and implementation of landscape policies in Ukraine will provide the possibility of spatial structuring of economic, social and environmental pillars of public life in Ukraine by objective landscape criteria, and not only by the administrative borders. This will prevent arbitrary and chaotic scenarios of development of the country. Integrated use of the potential of natural and anthropogenic landscapes will provide not only high profitability, but also social and protection efficiency.

Thus, the term "cultural landscape" was officially launched by UNESCO in international terminology in the field of protection of monuments in connection with the implementation of the provisions of Article 1 of the Convention, which relates to "common creations of man and nature" or, using domestic terminology, natural-anthropogenic formations. The introduction of this term into domestic legislation should be considered not only legitimate, but also conditioned by the responsibilities of Ukraine as a member of UNESCO and the party of the Convention, which is a form of an international treaty ratified by Ukraine.

Formations, which are covered by the term "cultural landscape», should refer to the objects of cultural heritage of the type of "sites" (in the domestic terminology – "outstanding sites") and they should be covered by legislation on the protection of cultural heritage.

It is necessary to prepare and submit to the Verkhovna Rada of Ukraine the relevant proposals to bring the Law of Ukraine On Protection of Cultural Heritage" and the Land Code of Ukraine in accordance with the rules and principles of UNESCO, which are related to the objects covered by the term "cultural landscape".

On the basis of the relevant provisions of the Convention, the UNESCO Recommendation on the Protection of the Beauty and Character of Landscapes and sites, the Venice Charter, the Florence Charter, the Nara Document about authenticity, taking into account domestic and foreign experience, the methodical recom-

mentations or regulations of the key aspects of protection of monuments covered by the term "cultural landscape" should be developed.

### **3.5. The areas of cooperation for heritage protection organisations and individual architects.**

There are no buildings out of context. Every building, every monument of architecture and protected area requires proper adaptation, programs of use, and plan for the organisation. Only architects can create a force that will help to stop chaos in the redevelopment of the historic centres and ensure their sustainable development and preserve them for descendants. In the 1980s, UNESCO and the United Nations adopted a number of documents about the operating principles of architects in the historic centres. But over the past 20 years, these documents are firmly forgotten. Obviously, it's time to develop and sign a number of international conventions once again.

One of these documents was the *Vienna Memorandum* [29], which clearly proclaims: "In historic cities, special attention should be paid to quality architecture; in particular, attention must be paid to the volume and height of the building. An important factor for the development of the new building is *to minimize the direct impact on such important historical elements as significant buildings and archaeological cultural layers.*

Saving the World Heritage includes the organisation of public spaces, with particular attention to functionality, scale, materials, lighting, and arrangement of streets, advertising and greening.

Qualitative management of historic urban landscape aims at permanent protection and improvement of spatial and functional values associated with the culture of designing. In this sense, should be specially emphasized the importance of contextualizing of contemporary architecture in the historic urban landscape. Proposals for the modern intervention must be accompanied by researches of the assessment of cultural or visual impact".

So today the tasks of preservation of the environment are not reduced to the primitive cultural heritage protection, but mainly to its *harmonious and sustainable development.* There should be a national program to enhance the role of historical and cultural heritage in the city's architecture. Even the designing in the new

territories should be treated as the place where the historical memory is located. The territory of the historic city is a carrier of collective memory, a place of identification of the nation and culture of state.

The current technique of design in Ukraine does not consider the specifics of construction in conditions of massive redevelopment. Engineering organisation does not hold town-planning analysis of the context of the surrounding redevelopment and assessment of the impact on the redevelopment; there are no constructive calculations in accordance with state building codes on the bearing capacity and stability of the main load-bearing structures of reconstructed buildings in general. In urban conditions and limitations, which are given to developers, the proposals on rework the project documentation, including requirements for preservation of historical and cultural environment, are not count.

This issue was discussed at the *conference "Ukraine in the world architectural community,"* which was organised by NUAU, with the assistance of international experts of the project "Regional cooperation on the development of cultural heritage" in the framework of the meeting of the Presidents of the Region II of UIA in Kyiv, 7-8 November 2013. It was determined at the conference, that it is time to unite the efforts of architects and cultural heritage protection authorities. Architects must take a number of commitments for the development and preservation of historical and cultural heritage, namely:

- to create an international independent architectural expertise of the International Union of Architects (UIA) on the conservation and development of historic city centres and objects of cultural and natural heritage;
- to activate seminars and training courses for architects on the preservation of historical and cultural heritage;
- to adjust the work with the public and with young people, and involve them in joint actions and joint decision-making for the redevelopment of historical habitat;
- to carry out educational work: to lecture, to share lessons learned;
- International Union of Architects has to intensify the organisation of international training and competitions together with ICOMOS on redevelopment of the buffer zones of World Heritage.

<http://nsau.org/%D0%A1%D1%82%D0%B0%D1%82%D1%82%D1%8F/441/%D0%92%D0%98%D0%94%D0%95%D0%9E%D0%97%D0%90%D0%9F%D0%98%D0%A1%D0%AC-%D0%B4%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4%D0%B0-%D0%B2%D0%B8%D1%86%D0%B5-%D0%BF%D1%80%D0%B5%D0%B7%D0%B8%D0%B4%D0%B5%D0%BD%D1%82%D0%B0-%D0%9D%D0%A1%D0%90%D0%A3-%D0%95%D0%BB%D0%B5%D0%BD%D1%8B-%D0%9E%D0%9B%D0%95%D0%99%D0%9D%D0%98%D0%9A-%D0%BD%D0%BC-%D0%BA%D0%BE%D0%BD%D1%84%D0%B5%D1%80%D0%B5%D0%BD%D1%86%D0%B8%D0%B8-%D0%9D%D0%A1%D0%90%D0%A3-%D0%A3%D0%BA%D1%80%D0%B0%D0%B8%D0%BD%D0%B0-%D0%B2-%D0%BC%D0%B8%D1%80%D0%BE%D0%B2%D0%BE%D0%BC-%D0%B0%D1%80%D1%85%D0%B8%D1%82%D0%B5%D0%BA%D1%82%D1%83%D1%80%D0%BD%D0%BE%D0%BC-%D1%81%D0%BE%D0%BE%D0%B1%D1%89%D0%B5%D1%81%D1%82%D0%B2%D0%B5-%D0%B2-%D0%BF%D0%B5%D1%80%D0%B2%D1%8B%D0%B9-%D0%B4%D0%B5%D0%BD%D1%8C-%D0%92%D1%81%D1%82%D1%80%D0%B5%D1%87%D0%B8-%D0%BF%D1%80%D0%B5%D0%B7%D0%B8%D0%B4%D0%B5%D0%BD%D1%82%D0%BE%D0%B2-II-%D0%A0%D0%B5%D0%B3%D0%B8%D0%BE%D0%BD%D0%B0-%D0%9C%D0%A1%D0%90-%D0%9A%D0%B8%D0%B5%D0%B2-%D0%A6%D0%94%D0%90-7-%D0%BD%D0%BE%D1%8F%D0%B1%D1%80%D1%8F-2013>

Issues of cooperation of architects and cultural heritage protection organisations were also discussed at the World Congress of the UIA in Durban 3-10 August 2014. The active position and interest of the delegation of Ukraine on this issue has been noted among foreign colleagues, and it was showed in the appointment of the representative of Ukraine to the position of member of the Work Programme of the International Union of Architects "Heritage" in the 2014-2017 time frames. Thus, Ukraine in the next three years will have the opportunity to promote the ideas of preserving cultural heritage in the global architectural community.

### **3.6. An integrated environmental regeneration in the historical part of a city.**

The bulk of redevelopment of the city centre is residential district that creates a certain "historical" background with splashes of authentic monuments. The rest is filled with numerous buildings on residential or commercial function of the second half of 19th - early 20th century. The public realized about its historical value relatively recently and, it seems, not entirely. Basically, they were not so long ago included to the list of cultural heritage of local importance, or queued to be included (the so-called newly discovered monuments). These categories of structures are protected by law against arbitrary reconstruction. But what seemed to be a reliable protection turned into a big problem.

The fact is that according to current legislation for the monuments of architecture applies the same sanitary, fire and other state building standards, as well as for modern buildings. *Building code requirements are in conflict with the laws of conservation of monuments*, and that leads to a stalemate. What state building codes require is prohibited by law on the restoration and, conversely, what is written for the restoration, the building is not allowed to enter into operation in accordance with applicable state building codes.

Legislation does not provide the slightest difference in urban-planning regulations for redevelopment of historic areas and new construction. Therefore, the vast majority of the areas of the historical centre, which was built in the late 19th-early 20th century according to current standards of that time, now violates modern fire, sanitary and planning regulations. While structures are just operated – there is no problem, but as soon as there is a need of restoration or reconstruction, there is a collapse of collision of the requirements of state building codes and state restoration rules.

In addition to buildings with the status monuments of local importance, there are a lot of such buildings of civil, residential or industrial architecture of 19th–20th centuries. They support by their appearance the historic nature of the environment, but for one reason or another have not yet been included on the list of sites (for example, because their passports are not ready). This category of historical heritage is not protected. Unfortunately, the concept of "background construction" as an intermediate category

between the monuments and buildings that have no historical value and which, unlike the monuments requires only the preserving of appearance, recently disappeared from our legislation. There are mainly commercial apartment buildings, which still prevail in the redevelopment of the city centre. It should be noted that a large number of such houses has considerable aesthetic potential. During the reconstruction of such structures desire of the customer is not restricted, that is the problem of preserving the historic appearance of the city as a whole and lead to an overall degradation of the historical environment.

Urban conditions and limitations, which are given to developers, donot take into account the requirements of preservation of historical and cultural environment, including the need to finalize the design documentation.

This problem is not exclusively Ukrainian. European countries have long ago found a solution that lies in the complex reconstruction of neighbourhoods. Then it is possible to use the building codes not only for one house but for a group of houses, which facilitates the requirements for their reconstruction<sup>23</sup>.

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<sup>23</sup> This method has been tested by the authors at the revaluation of Lutsk historical and cultural reserve in the period of 1991-1995. The concept of revaluation of Lutsk historical and cultural reserve was based on the following principles: -environmental zoning by spatial characteristics of buildings, which are caused by national and religious differentiation of certain neighborhoods in the process of evolution; - definition of the index of building conservation (desirability and feasibility of reconstruction) as total scoring of economic and engineering, architectural and planning factors; - identification and preservation of sustainable trends of development and typological features of space-planning structure of the reserve as a complex system; - The predominance of external space over internal space; - The open nature of urban spaces; - Intensification of the scale and redevelopment density along the main visual axes; - Multiple penetrating nature of visual connections; - Discreteness and discontinuity of urban spaces; - Saving a low-rise, "ragged" redevelopment; - Differentiation of redevelopment by types of urban environment; - Predominant development of cultural and educational functions, tourism and housing.

The process of comprehensive reconstruction provides the following activities for the conservation of cultural heritage:

- Restoration and rehabilitation of monuments of cultural heritage;
- Modernization and overhaul of mass historic redevelopment;
- Reconstruction of low value amortized buildings and restoration;
- Development of engineering infrastructure and transport networks;
- Gardening and ordering of territories, making decisions on the conditions of the intervention of modern architecture in the historic urban landscape.

#### **4. Improvement of the regulatory framework and the administration and management system in the field of cultural heritage**

##### **4.1. Improvement of applicable legislation.**

The legal base of cultural heritage protection is far from perfect. In particular, there is a conflict of interests at the legislative level between the subjects of urban development, on the one hand, and the subjects of research, protection and popularization of cultural heritage, on the other. A typical example of this is the Law of Ukraine On the Regulation of Urban Planning Activities on February 17, 2011 № 3038-VI, that has cancelled the provisions of the laws On Protection of Cultural Heritage of June 8, 2000 № 1805-III and On Protection of Archaeological Heritage 1 of 8 March 2004 № 1626-IV with respect to mandatory consultation by central and local authorities of cultural heritage protection of programs and projects of construction works on the territory of historical and cultural reserves, in protected areas of cultural heritage, etc., as well as the obligation of archaeological expertise on areas future construction. This represents a serious threat for the immovable objects of national cultural heritage, as well as for the conservation authenticity of the historical and cultural landscapes, their tourism potential.

[http://www.niss.gov.ua/content/articles/files/Kultura\\_Zdioruk-beb1d.pdf](http://www.niss.gov.ua/content/articles/files/Kultura_Zdioruk-beb1d.pdf)

It should be noted that decision on the protection, conservation and rational use of any object of historical and cultural heritage without a clear organisation at the legislative level are largely subjective. Unfortunately, there is ***no conceptual difference between the terms "protection" and "preservation"*** at the

national level. As a result, projects of the organisation of protection of a cultural heritage object are invalid.

Ukraine has adopted and ratified almost all international conventions, the Law on the Protection of Cultural Heritage is also adopted – but they do not work in full.

***In the national program for the conservation and use of cultural heritage for 2004-2010*** (<http://zakon4.rada.gov.ua/laws/show/1692-15>) were identified the priority activities in the regulation of the law:

- to make changes to the Law of Ukraine On Protection of Cultural Heritage;
- to make changes to the Criminal Code of Ukraine and the Code of Administrative Offences of Ukraine, relating to the responsibility of the officials of the executive authorities, local governments, individuals for violation of legislation in the field of cultural heritage;
- to make changes to the Land Code of Ukraine regarding the need to harmonize by authorities of cultural heritage the protection projects, land allocation, which privatized by citizens; the draft law on the list of cultural heritage monuments, which are not subject to privatization;
- to develop the List of Protected Archaeological Sites of Ukraine;
- to develop a procedure for the design, financing and implementation of complex regeneration of areas of historic redevelopment;
- to develop a procedure for issuing and a sample of qualified document (open letter) required to obtain a permit to conduct archaeological investigations and excavations;
- to put in place a procedure for transferring scientific documentation on field researches to archival institutions;
- to approve the Regulations on state order to carry out the repair and restoration works on the objects of cultural heritage;
- to approve the procedure for identifying and accounting for objects of cultural heritage.
- to enact the state standards on carrying out the works on restoration, conservation, rehabilitation and museumification of the monuments;
- to approve the order of development, coordination and approval of site plans of historical and cultural reserves;



- to amend the Decree of the Cabinet of Ministers of Ukraine dated September 5, 2001 N 1195 "On approval of the Formula on distribution of the volume of inter-budgetary transfers (subsidies of equalization and funds that are transferred to the state budget) between the state budget and local budgets" on the introduction of correction factors to the financial standards of budget sufficiency of local budget spending on culture and art, calculated based on the number of objects of cultural heritage, items of the main fund of the museums, the protection of which is carried out at the expense of the local budget; and

- Need to make changes to the Decree of the Cabinet of Ministers of Ukraine dated December 27, 2001 N 1761 "On entering of historical monuments and monumental art and archaeology of national importance in the State register of immovable monuments of Ukraine" for the refinement of the list of monuments in accordance with the classification of objects of cultural heritage.

***Almost no part of this program has been done.*** Regulation on the historical inhabited localities still does not exist. All the historical cities that are included in the List of historical settlements of Ukraine are left for officials as just ordinary cities. Finalization and adoption of the Law of Ukraine On the Preservation of the Architectural and Urban Heritage" (November 9, 2009 № 5329); implementation of the Code of restoration rules and regulations, the approval of the list of protected archaeological territories of Ukraine; the Order of design, financing and implementation of complex regeneration of areas of the historic redevelopment; State standards on carrying out works on restoration of, conservation, rehabilitation and museumification of monuments – these and other problems still need urgent solution.

***Mechanism for the implementation of state policy*** for the preservation of immovable cultural heritage should be based on the formation of state guarantees and the necessary financial instruments. All segments of the population must be connected to the process. The improvement of legal and organisational mechanisms of management of the conservation of immovable cultural heritage will open the way for socio-economic development of the city and the sustainable development of its historic environment.

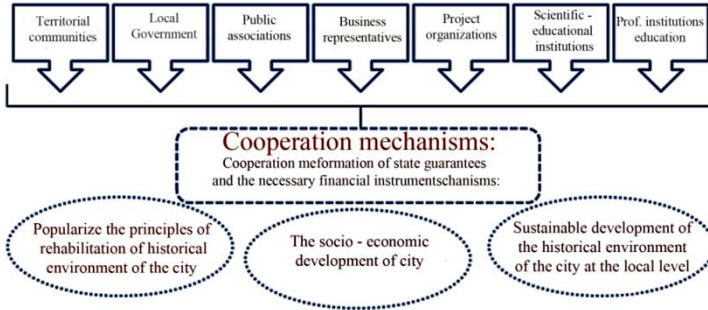


Fig. 5. The mechanism of implementation of state policy on immovable cultural heritage preservation.

Legal and regulatory base in sphere of immovable cultural heritage preservation should also include *international legal acts*, that exist now and will exist in the future, according to which the State's obligation on the priority of international law over nationalacts. Accordingly, cultural heritage preservation should consider the impact of the documents of international meetings and conferences, which become the governing factors for policy and practice around the world.

#### 4.2. Privatization and management of monuments in private ownership.

One of the ways to preserve historical and cultural heritage can be the privatization of historical monuments [30, p.36]. This is a proven international practice that really works if there is kind of reasonable position of the state, which defines the rules of the game, stimulates, protects and bring to justice those who violate them. In particular, in many European countries there is a widespread practice of transferring of historical objects, which have an improper condition, to private ownership practically for free. But at the same time the agreement is signed with the future owner, that he must necessarily restore the historical object. For failure to comply with contract terms the appropriate state structures impose a fine on the owner of a large sum, and in some cases they can take an object back in the court. For example, in

Spain in 2004 was offered for 1 euro a medieval castle, which needed only restore.[31]

In Ukraine, the issue of privatization of the objects of historical and cultural heritage is regulated by Law On the List of Monuments of Cultural Heritage not Subject to Privatization N 574-VI of September 23, 2008. According to the law, only 1.86% (2313 monuments of historical and cultural heritage) of the total number of monuments that are registered will remain in state ownership. Formally, other objects can be privatized.

Analysing the provisions of the by Law On the List of Monuments of Cultural Heritage not Subject to Privatization, it should be noted that a significant disadvantage is the uncertainty of the precise criteria, by which a particular historical object could be privatized or left in the state ownership. Accordingly, the local councils determine at their own discretion the historical monuments that cannot be privatized, which leads to the fact that objects that have similar historical value, in some regions could be privatized and in others – privatization is prohibited.

According to this Law *may be subject to privatization about 60% of the premises, where now there state museums are*. For example, in Kyiv the building of the National Art Museum of Ukraine, the National Museum "Chernobyl", the National Museum of Natural History of Ukraine, not to mention the small museum institutions – The One Street Museum, the Museum-workshop of Ivan Kavaleridze, the Literary Memorial Museum of Pavlo Tychyna, and many others – can move to private owners [32, p.6]

The Law On the List of Monuments of Cultural Heritage not Subject to Privatization also does not clearly define the forms of control of relevant government authorities for the preservation of historical monuments. According to the law mentioned above, the monument can be privatized only at the conclusion between the future the owner and the relevant authority of cultural heritage protection of *a protection document on the proper use of the monument*, which will clearly define the works that the future owner is obliged to hold on a monument with the purpose of keeping it in good condition. But the responsibility of the owner of monument in case of default of these conditions is not defined in the law. At the stage of the transfer of the monument to another form of ownership the structures on protection of monuments

should ensure the existence of the protection document. But his absence, by law, does not relieve the owner from responsibility for the object.

There are cases when monuments, which were transferred to private owners, are protected very relatively. Some of them not even have the protection document. In the absence of proper control by the government of the state of these monuments, it can lead to significant violations by the owners of the monuments. Ukraine already has a number of negative examples. In particular we should mention the privatization of the 18th-19th century Lanckoronski Palace in Staryi Rozdol, which was bought by a Kyiv businessman for 460 thousand hryvnias (including the park of 12 hectares!). The owner of the monument, rather than to restore it, began to dismantle valuables from interior of the palace. In particular, 13 reliefs are the copies of the old interior of Greece and Rome. Authentic marble reliefs of the Holy Virgin dating from the 17th century and a portrait of Dante were taken to Kyiv, and the fate of these treasures is still unknown. Further destruction of the monument was stopped only after the intervention of the prosecutor's office, but the castle is still in a dilapidated condition<sup>24</sup>. In order to prevent such violations, ***it is necessary to set clear conditions for the protection and exploitation of historical objects*** to be followed by the owner of the monument, and the criteria of offense of punishment for inappropriate maintenance of the monument. [http://bulava.info/chupriy\\_optymizatsiya\\_kultura.html](http://bulava.info/chupriy_optymizatsiya_kultura.html)

Particularly painful are the problems of management of ***sacred objects in non-state ownership***. After all, religious communities have the key role in the management of monument. Clergy and religious communities, who manage the objects of sacred art and culture, must remember that they control not their own property, but the biggest sacred and national values, the integrity and inviolability of which must be protected with the greatest care and responsibility.

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<sup>24</sup>M.Ivanyk, I.Hyschuk "Ukrainian Forts and Palaces Are Offered a Dilemma: Decay or Private Property" [Electron. resource] M. Ivanyk. I. Hyschuk // Lviv mail. -Access: <http://www.lvivpost.net/content/view/464/311/>

It is necessary to develop the role of religious communities in the long-term protection, conservation and integrated management of sacred World Heritage monuments. It is desirable to develop: the legal basis for the conservation, use, renovation and management of religious World Heritage monuments; a long term strategy for the protection, conservation and rational use of sacred world heritage monuments; recommendations for the conservation and integrated management of sacred World Heritage monuments.

It is necessary to include religious communities, which may consist of believers and local residents, as well as representatives of the authorities, specialists and experts in relevant fields, owners of the objects, charitable organisations and other users to establish a dialogue between all stakeholders.

Protection of religious heritage is the primary task and the issue to which it is necessary to apply in the implementation of the principles of the World Heritage Convention. Existing religious objects were often included in the UNESCO World Heritage List due to its religious and spiritual significance. In other cases, however, the religious sites and sacred places can be an integral part of large ensembles, such as historic cities, cultural landscapes and nature objects. The value of such places and interests of religious communities should be properly recognized in the processes of sustainable management.

The continuous character of religious heritage calls for dialogue and understanding between religious communities, as well as all other interested parties. They must work together to preserve the significance of cultural, natural and mixed objects associated with religious. Management of monument should be carried out by one religious community. Then it will be easier to control the process of protection and preservation of monuments. For example, most of sacred monuments in Kyiv remain the property of the state and territorial communities. This guarantees the availability of control of their state.

The divine service in the monument should take place under specially prescribed rules and only in special cases and at specified hours.

It is necessary to create integrated training programs in the field of management of religious monuments in collaboration with

the advisory bodies, ICCROM, ICOMOS and IUCN, which are aimed at helping the representatives of traditional religious communities to enhance their management skills. Thus, the preservation of religious heritage, which is extremely valuable for future generations, requires new forms of activity.

<http://rcchd.icomos.org.ge/?l=E&m=4-4&JID=1&AID=10&l2>

#### **4.3. Problems of management of the restoration effort.**

The current state of affairs in the field of restoration has all the signs of the lack of systematic approach to planning, financing and professional state control on preserving the immovable cultural heritage, which caused a sharp decline in the professional level of designers and production personnel in the field of restoration. At present, under the threat of destruction and physical decline are thousands of unique monuments of architecture and urban planning, landscape art in most historical settlements of Ukraine. A significant part of these monuments are the objects of housing, production and social services.

Most of the activities to support elementary and/or comprehensive rehabilitation of the physical condition of immovable cultural heritage in the Ukrainian regions occur without a qualified scientific support, involvement of professional restorers, designers and production workers.

Such a situation, according to experts, is caused by several factors.

- Purposeful policy of the previous government, which did not contribute to the preservation of historical and cultural heritage.
- Permanent reforming of the system of state management of cultural heritage preservation.
- The difficult economic situation in Ukraine.

To this day, the Ministry of Culture of Ukraine has no relevant departments and subordinated institutions, which could fully guarantee the professional organisation and assessment of restoration works, as well as activities for the conservation of immovable cultural heritage. The formation of state programs aimed at the preservation of immovable cultural heritage has stopped.

Given the above, it should be stated that the reform of branch management system of cultural heritage preservation, to

which the conservation of the immovable heritage was referred in 2011, has not yet given the desired results.

At present, the output from the current situation is the concentration of branch management system of conservation of immovable cultural heritage in one body of state administration, which is separated from other ministries, as is done in other countries. An important factor to overcome the restoration branch crisis is providing of departmental trusteeship of all package of measures from the formation of the state order, coordination of works, quality control to further monitoring of the status of objects. Local communities should be actively involved in the process of monitoring, inspection, application for registration, which will promote the dissemination the process of decentralization and promotion of the case on the protection of monuments.

Another important step should be *to raise the professional level of architects, restorers* and improve the system of vocational education. It is required the following:

- to put in place attestation and certification in the field of restoration – both as for professional restorers as specialists of supporting industries: engineers-conservators, technologists-conservators, builders;
- to develop a comprehensive program of special education for students of universities and vocational education institutions with training in areas of the restoration branch, including highly specialized (restoration of stone, brick, wood, of gilding, metal restoration etc.);
- to introduce certification of specialists and researchers in the field of archaeological monuments protection with its further systematic implementation;
- to organise courses of capacity buildings of specialists on the protection of monuments in the educational institutions of all levels of accreditation;
- to approve the list of specialties in the field of cultural heritage protection, including the scientific and educational institutions of all levels of accreditation;
- to provide training for restorers in universities, improving their skills in domestic specialized restoration organisations, and promoting their training in organisations and institutions of other countries; and

- to establish the preparation and publication of textbooks and teaching aids for specialists on restoration and on the protection of monuments.

## 5. The development of cultural tourism.

### 5.1. Impact of tourism on cultural heritage protection

Cultural tourism includes attendance of historical, cultural and other notable monuments. Within the term "cultural tourism" experts also distinguish youth travel and nature tourism (ecotourism)<sup>25</sup>. The main purpose of these trips is exploring the prominent monuments (monuments of history, architecture, art, natural and ethnic features, modern life of the people, and so on) [33].

The issue of the tourism impact on the level of cultural heritage protection emerged in the mid-1970s, when society realized the need to protect the monuments from the negative effects of tourism on their preservation state. Recent events in the monuments' protection practice has shown the necessity of finding the "middle ground" between the protection of monuments from destruction, caused by the flow of tourists and access expansion for above-mentioned to the cultural and natural heritage objects, which is extremely relevant today.

Culture and traditions are among the resources, which began to be used in the 21st century as a factor in social and economic development of states. In terms of resources, Ukraine is not inferior to most Western European countries. The state has preserved the traditional crafts and handicrafts, ancient rituals are used in modern culture as a symbol of continuity and stability. The process of formation and development of domestic cultural tourism occurs in Ukraine.

Tourism is now *an essential part of budget revenues* for both local communities and states. Therefore the tourist activities' organisation, taking into account the requirements of cultural heritage protection, should be based on the principles of quality and prospects as factors of prosperity for both sectors. The tourism

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<sup>25</sup>Cultural tourism and sustainable development. The results of the joint activities of public authorities in Finland and the Republic of Karelia on the border territories / Prepared by T.Makinen, M.Niemi.  
[http://www.minedu.fi/opm/hankkeet/sisu/kulttuurimatkailu/julkaisu\\_rus.doc](http://www.minedu.fi/opm/hankkeet/sisu/kulttuurimatkailu/julkaisu_rus.doc).



industry, as one of the economy's sectors, should actively participate in cultural and natural heritage preservation, in order to develop more dynamically. "What is better in promotion of mutual understanding, inspiring admiration of common natural and cultural heritage, than tourism? Brilliant works of man and nature awaken a sense of beauty in us. But unorganised tourism, improperly planned development of heritage sites can lead to fatal physical and social consequences, not only for these places, but also for the local population"<sup>26</sup>.

Mass tourism is a major phenomenon of recent times. New standards of living, the speed of movement are affecting the number of people visiting heritage monuments<sup>27</sup>. According to the World Tourism Organization, 24.6 million tourist arrivals to Ukraine was recorded in 2013 – this indicator is among the top ten most popular countries in Europe.

Tourism provides about 35% of export services in the world and about 70% in developing countries [34]. Tourism is considered a key sector of the 21st century. According to preliminary calculations, WTO predicts that the number of tourists may increase up to 2.6 billion in 2020. Tourism, as a form of business, is one of the most profitable. For example, in 1950, tourists spent \$2.1 million; in 1993 – \$321 million (that is 160 times more)<sup>28</sup>.

The interest in visiting sites that are included in the List of world heritage, has significantly increased. The tendency of tourism popularization in the world depends on the number of world heritage monuments in the states, their level of economic development (developed or developing) and political stability.

In March 2000, under the auspices of UNESCO, the Memory of the Future project was founded, which focuses on measures for

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<sup>26</sup>World heritage in young hands. // Ed. L.Lazgiev, T.Murovan / UNESCO Moscow Office, 2000. From the report of Federico Mayor. World heritage: our forever? - Paris: UNESCO, 1995.

<sup>27</sup> According to the World Tourism Organization (WTO), there were 25 million people in the tourist tours around the world in 1950. 528 million people in 1995, and 467 million tourist' arrivals were recorded only in the first half of 2012, and 1086, 54 million tourist arrivals for the entire 2013. That is, the number of tourists has increased 20 times in 45 years, and more than 40 times in 60 years.

<sup>28</sup>World Heritage in Young Hands.

the conservation of World Cultural and Natural Heritage. It was found that in case where tourism is based on the singularity of the object and its unique authenticity and the locals are getting profit from servicing tourists, tourism is capable of supporting cultural heritage.

Tourism is also a cultural exchange, through which both tourists and locals perceive cultural objects and interact.

Cultural tourism is a significant form of museum work. However, the most of Ukrainian museums in this field are still in their formative stages. Museums continue to remain isolated from the general tourist area. There are many reasons for this, but the financial is not the main one. The lack of communication between museum and tourist area, the lack of skills in cooperation these are the issues which remain unsolved.

The role of museums in the cultural tourism development opens real prospects for the institutions: the development and introduction of new working methods will adequately represent the museum's treasures from all regions of Ukraine. Local organisations and funds in the museum field can also play a significant role here.

At the level of tourism's benefits (new jobs, the resulting gain to the state budget, the improvement of local infrastructure, etc.), there are *negative consequences*, including:

- The negative impact on the environment due to increased traffic flow;
- Deterioration of the cultural and natural heritage due to increasing number of tourists visiting the memorial;
- Contamination of household waste and construction also negatively affect the state of heritage;
- Tourism can be dangerous for the local population living in tourist areas, especially in developing countries;
- Construction of hotels, restaurants, entertainment centres, car parks etc. are often detrimental to the interests of the public; and
- Low cultural level of some tourists also remains a problem (vandalism, rude behaviour in public, etc.).

## **5.2. Problems of cultural tourism development in Ukraine**

To assess the possibilities of cultural tourism in Ukraine we should initially determine what exactly it has to offer tourists as an object to view our state and find out what are the conse-

quences for this object. Therefore, for the purposes of cultural tourism it is important to determine the strengths and weaknesses of history and culture monuments.

The following basic common parameters can be defined: identification; mapping of the location and accessibility; valuing (national, regional and local); integrity (well preserved, typical, as amended); rating restrictions related to the conservation requirements of historical and cultural monuments; assessment of tourism infrastructure possibilities. In other words, a considerable amount of advance information and at least a rough estimate of cultural resources in the region will be required.

However, in Ukraine there is a problem: no source – no tourism infrastructure; no infrastructure – no tourists' visits; no tourists – a huge loss in the form of missed profit. Of course, this does not involve the world-famous monuments like the Saint Sophia Cathedral and Kyiv Pechersk Lavra.

The difficulties of cultural tourism are not limited by the lack of investors. The concept of cultural tourism, provided by the "UkrNDIproektrestavratsiya" Institute, includes a list of the main problems in the field of urban planning that hinder the sustainable development of cultural tourism:

- a lack of financial and budgetary resources of local communities to address urban problems, the worsening of financial and economic indicators, the decline of the town-forming enterprises;
- a lack of public involvement and investment of funds for updating planning documentation;
- poor urban infrastructure, social services;
- decline of housing and communal services and transport infrastructure;
- inefficient use of tourism resources, including natural and recreational resources and local communities' objects of cultural heritage;
- the disparity between the existing facilities of tourist infrastructure and tourist services and requirements on modern technical and functional quality;
- a lack of development plans for investment areas, lack of funds in the budgets of local communities to finance infrastructure's objects; and
- inadequacy or absence of mechanisms for infrastructure modernization, scientific and educational support of sustainable territorial development and tourism.

In this situation it is necessary to begin reconstruction of the tourism industry with specific tasks: the creation a unified database and gradual decentralization. We need to improve the legal base of the industry, given the requirements of international law, providing not only adequate funding of these measures (subsidies, tax incentives for the development of industry sponsorship), but the usage of a multidisciplinary approach (defined principles of tourism development based on existing rules in this area, declared by UNESCO, the Council of Europe and ICOMOS), the international exchange of experts, the introduction of promotional events and related disciplines at all levels.

Common European trends in this area were identified in the recommendations and resolutions of the Council of Europe. Therefore, the Recommendation (98) 4 On Measures To Promote The Integrated Conservation of Historic Complexes Composed of Immoveable and Moveable Property proposes the introduction of cultural exchanges between pupils and students of European countries, creating a grid of tourist routes, which would include architectural heritage.

The fourth European Conference of the Council of Ministers acknowledged the necessity of developing public policies of cultural tourism development, i.e. country.<sup>29</sup> This requires the application of new methods of management in the state system.

Cultural heritage, which has remained to the present day, is in the custody of institutions of various departments. It complicates the formation of the tourist product and requires concerted coordination mechanisms. The functioning of institutions on protection of monuments, which are predominantly state-financed institutions, aimed at fixing the monuments, their conservation, restoration, scientific research. For the popularization, as a rule, there are not enough resources. Budget funds are not enough even to stop the natural destructive processes. Particularly alarming is the state of the castles. They are the most attractive objects of tourism in Ukraine.<sup>30</sup>

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<sup>29</sup>European Cultural Heritage (volume ID): a review of policies and practice. Strasbourg. 2001. P. 95-96.

<sup>30</sup>Thus, the castles in Olesky, Pidhirtsi and Zolochiv that are subordinate to the Lviv Art Gallery, already have a good brand "Golden Horseshoe of

***The process of formation of the tourist product on the basis of cultural heritage*** can be schematically divided into three stages:

- *Selection*: accounting of cultural heritage; analysis of readiness for the outputting to the tourist market; selection by the level of readiness.
- *Marketing researches*: providing the most ready objects with the necessary resources, infrastructure and services; formation of investment projects and the identification of needs in the budget subsidies; resourcing of conservation and restoration of objects.
- *Market procedure*: maintenance of the tourist routes; formation of demand; advertising; monitoring.

This process should begin with the formation of the concept of development of the tourist product, to determine obligations of the state as the owner of the cultural heritage on the functional purpose of each monument and sources of funding, to develop a package of investment projects on the whole product, providing for the needs of the restoration of unique monuments and their continued functioning.

The problem of formation and use of the tourist product requires a complex approach, to avoid losing the function of establishing and strengthening of cultural identity, rootedness of personality, local communities and society. It is necessary to keep an eye on the fact that culture is an important factor in the development of society, where cultural heritage has considerable potential. And the protection of cultural heritage is a common goal. Therefore, multi-segmental tourist products need to be a part of the strategic plan for the development of region.

[http://tourlib.net/statti\\_ukr/mazuryk.htm](http://tourlib.net/statti_ukr/mazuryk.htm)

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Ukraine", but they are not yet ready as a tourist product. Unless they start the coordinated formation of a multi-segmental and multi-functional unified tourist product on the basis of those castles, the brand will soon begin to work with the opposite effect. The profitable part of the "Golden Horseshoe" will take advantage of this, and the parts of the museum, restoration and monument protection will be left alone with their problems. A similar situation is in Zhovkva.

### **5.3. Methods of stimulating the development of cultural tourism.**

We can define the main priorities of the state policy on supporting and stimulating the development of the "cultural tourism" branch and the protection of cultural heritage:

- Development and improvement of the regulatory framework to ensure the safety and optimal use of natural and cultural values in the tourism sector.
- Support for local regional economics to attract more tourists to remote places.
- Support for such places through the main tourist routes or through limiting the number of visitors (if necessary).
- Financial support, tax incentives, improvement of the system loans and subsidies for the repair, conservation and restoration of monuments of culture and nature. This will increase the attractiveness of the monuments and encourage tourists to visit them.
- Creating or ordering infrastructure, communications and transport. This will connect the interests of the tourism industry for the protection and popularization of cultural heritage.
- State support of private organisations whose activities are aimed at ecological and cultural tourism.
- Cooperation of relevant departments, associations, educational institutions and research institutes, public organisations with monument protection authorities and government authorities.
- Availability of relevant information and publications for the public.
- Creating the state program of sociological researches and monitoring of the condition of objects in the tourist areas of increased activity.
- Popularization of cultural heritage.
- Creating the alternative tourist routes in order to reduce the burden on the main routes.
- Application of the profits from tourism on the reproduction, restoration, reconstruction of natural and historic places that have suffered damage as a result of their uncontrolled use.
- Function of the state in this area consists in creating general policy, coordination of efforts, monitoring and analysis of results achieved, monitoring the use of funds, provision of decision-making, implementation of them and so on.

#### **5.4. Prospects for the development of local tourism resources.**

Each territory of Ukraine is a potentially attractive and unique – it is a source of profit from tourism, the way to attract the local population and to increase patriotism. Preservation of regional traditions as a method of struggle against globalization has been proposed as a creative tool for architects on 26 Congress of the International Union of Architects (UIA), held in August 2014 in Durban. The identification of local tourism resources and prospects of development of city-forming objects or complexes is the way to activate the process of self-government.

*The concept of cultural tourism development* (developed by the institute "UkrNDIproektrestavratsiya") is aimed at identifying the tourist potential of the historic areas of the cities and at development of infrastructure for providing the tourist resource and socio-economic development of local communities.

*The purpose of the Program* is the involvement of local government, local communities and private initiatives to urban adaptation process, the development of local tourist product in the context of current provisions of law and fundamental tasks of state policy.

##### ***Directions of the Program implementation:***

- Identification of local tourism resources and prospects of development of city-forming object or complexes.
- Actualization of urban planning documentation with the simultaneous development of zoning and variable search of infrastructural arrangement of complexes of objects of cultural heritage. During the transition period is advisable to develop concepts of territorial planning of tourist resource of the city or their central historical parts, which must be discussed publicly.
- Identification of attractive investment territories and three-dimensional solution of infrastructure objects, and
- The broad involvement of urban planning departments of higher education institutions (hereinafter - Colleges) at the pre-stage to the inventory of historic centres and their planning structure, to searching for infrastructural arrangement of complexes of objects of cultural heritage and to identification of attractive investment areas. Submit appropriate proposals in the curricula of universities.

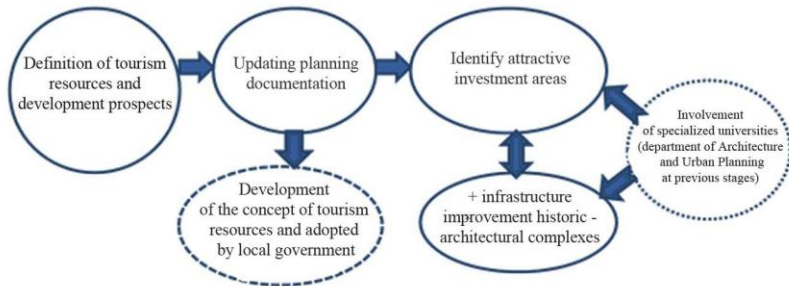


Fig.6. Prospects for the development of local tourism resources.

### 5.5. Interconnection of cultural tourism and local government.

Development and preservation of the historical heritage of the city provides for the implementation of two main directions:

- Consistent implementation of the regeneration of the historic environment;
- Formation of the local tourist product.

For realization of these two directions, it is necessary to perform the following provisions:

- Ensuring by the state and local governments the strict compliance of regulations established for the territories of historic city centres.
- Implementation of infrastructural arrangement of complexes cultural heritage objects by regenerating the historic environment of the central city areas. This ensures the preservation of the historical identity of settlements. Ensuring system scientific condition monitoring of complexes and objects of cultural heritage, and
- Attraction of investment resources in the formation of the local tourist product through participation in rehabilitation of complexes and objects of cultural heritage; improvement of territories of historic centres, the creation or modernization of infrastructure.



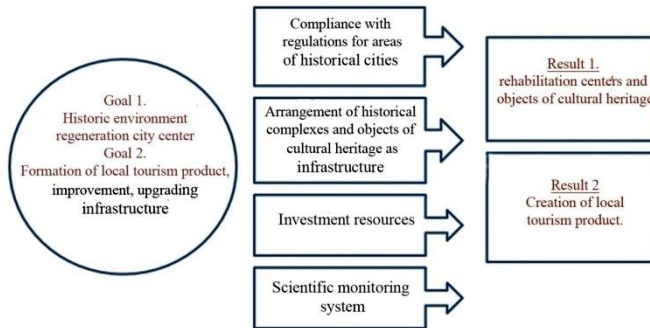


Fig. 7. The task of local governments

A positive consequence of realization of the program will be the restructuring of the local economy (tourist product development, diversification of production, orientation in the tourist market).

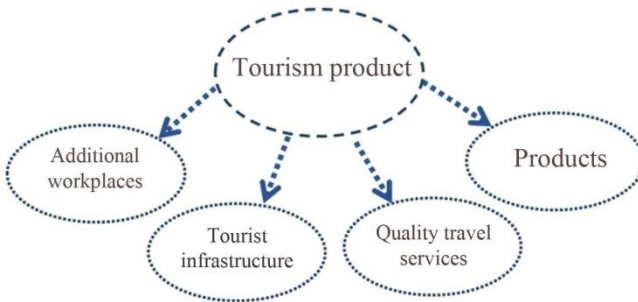


Fig. 8. Restructuring of the local economy.

Funding of programs of regeneration and increasing of tourist potential, thus distributed between state and local governments, individuals and public organisations.

***Stages of the Program implementation:***

- I. Preliminary data collection, updating of urban planning documentation, the research of local resources and identification of the potential development prospects.
- II. Concept and Program of preserving the traditional nature of the environment of historical medium and small cities of Ukraine.

- III. Regeneration of the historical environment of the city and the formation of local tourist infrastructure.
- IV. Formation of local tourist product.
- V. Provision of the financial support through public-private partnership, and
- VI. Development and implementation of mechanisms for co-operation among all stakeholders and partners.

***The accompanying directions and additional Program features:***

1) Integrated aesthetic solution of city centre, ensembles and complexes of cultural heritage objects to meet modern standards of comfort, functionality and expressiveness of design projects (development of recommendations on design of small architectural forms, information boards, landscaping, paving, etc.), and

2) Popularization of information about the city and tourist resources (development of the strategy of informational support; logo and slogan of the city; encouraging travel agencies to cooperate).

**5.6. Results of the implementation of the program of cultural tourism.**

- Creation of organisational and economic mechanisms of development of tourist infrastructure as one of the important sources of social and economic development of medium and small cities.

- Stimulation of investment activities and facilitate the implementation of investment projects.

- Ensuring the growth of jobs and the development of housing and communal services and transport infrastructure, and

- Ensuring sustainable urban development through the promotion of preservation of the traditional nature of the environment of historical medium and small cities.

Specific amounts of financial, material and technical and human resources are defined in the development of tasks and activities for the implementation of the Program.

***The realization of the Program will help:***

- to increase patriotism;
- to create new jobs, especially for young people;
- to involve local governments, territorial communities and private initiatives to develop the cultural heritage;
- to develop local self-government in the context of the main objectives of public policy;

- to revive and regenerate the historic centres of towns and villages;
- to rationally use, preserve and restore the cultural heritage;
- to carry out a passportization of cultural heritage objects and to include these objects in the State Register of immovable monuments of Ukraine, to improve the accounting system of cultural heritage;
- to create conditions for the improvement of tourist attractiveness of towns and villages in Ukraine because of their historical and cultural heritage, to attract objects of cultural heritage on tourist routes and develop tourist excursion movement among children and youth;
- to promote activities for the protection of monuments, to create skills of accounting and restoration work among young people;
- to create a favourable information field for the protection of cultural heritage; and
- to involve the public in the processes of management and control in the field of cultural heritage protection, to generate positive public opinion in the area of cultural heritage usage.

***Further directions of the Program implementation:***

Identification of local tourist resources and prospects of development of the town-forming objects or complexes.

Ensuring by the state and local governments the strict compliance of regulations established for the territories of historic city centres.

Establishment of a systematic scientific monitoring of the state of complexes and objects of cultural heritage.

Attraction of investment resources in the formation of the local tourist product through participation in rehabilitation of complexes and objects of cultural heritage; improvement of territories of historic centres, the creation or modernization of necessary infrastructure.

Tourism, based on the principles of *sustainable development*, is an important means of ensuring the employment and economic development of the region, as well as preservation and attraction of the cultural objects in the socio-economic development.

Pedagogically well-organised *youth tourism* improves the comprehension of the world, raises the cultural level, and brings a sense of patriotism. If there is strict control over the visits of these objects, then tourists will feel responsible for the environ-

ment. Then it is possible to achieve the normal provision of long-term preservation of these objects. (See: *Tourism, Ecological Tourism and Protected Areas*, ed. by H.Ceballos-Lascurain, 1996).

Thus, ***cultural tourism, coupled with the appropriate actions in the field of cultural heritage protection***, will allow countries that have particularly outstanding objects of cultural heritage to assert their cultural identity and make it better known throughout the world. There is a need for detailed and elaborate preparations, in order to make the monuments more attractive to tourists. Proper organisation of tourism will help to preserve our heritage and enhance economic development in the country.

The basic principle of the development of cultural tourism in the state should be the principle of sustainable development, which implies the support of the local culture, the preservation of cultural and natural objects and improvement of the living standards of the local population.

## **6. Informational and scientific support and monitoring of cultural heritage.**

Modern work on protection of monuments to increase its effectiveness must use new ideas and technologies, new informational support, to update its toolkit. Customers systematically ignore the need for scientific and natural researches of monuments, so the historically formed view of the object is distorted in the process of restoration. It is therefore necessary to develop a comprehensive State program of scientific and engineering and scientific and research works on the monuments of immovable cultural heritage in the cities and settlements of regions of Ukraine.

The program should include broad public involvement (for example, in Tbilisi the fixation of the condition of monuments was carried out by citizens who watched the monuments located nearby); creation of a database that would connect all the institutions on protection of monuments and the public, which could react on the spot.

The information base should be publicly available and structured. For example, in Vilnius there is a separate institution that deals with this issue – through investments of the European Union there has been developed a Program cultural heritage, in

which the terms of use of the monument are written, the protection activities of monuments defined, etc. As a result of working with the public the developer (investor) understands that there is a force that can stop him, there is a law, and that a reverse reaction may be. The learning process of investor due to the incorruptible public, which acts aggressively, goes very quickly, and the results are impressive.

The presence of three-dimensional model of the territory of the historic area, monitoring urban situation with the visual points in the historic centre play an important role.

Thus, *the priority tasks for the conservation and use of cultural heritage objects associated with monitoring and inventorying* may include the following:

- make an inventory of cultural heritage;
- provide verification of the state of preservation and the availability of cultural values transmitted to religious communities religious buildings that are monuments;
- extend the list of historic settlements of Ukraine;
- conduct a survey of the state of monuments in order to determine the objects, on which it is necessary primarily to carry out researches, emergency prevention activities and conservation activities, and make a list of them;
- promote the development of material and technical base of scientific research organisations in the field of cultural heritage;
- promote the development of material and technical base of scientific and restoration organisations;
- update and develop the material base of the State Historical and Cultural Reserves;
- ensure the development of site plans for historical and cultural reserves;
- ensure the issuance to the Historical and Cultural Reserves of state acts for the right to permanent use of land;
- ensure the implementation of research and of design works on the development of historical and architectural support programs and projects of zones of protection of monuments, to define the limits and regimes of use of the territories of historical areas of settlements, to make an inventory of redevelopment for the further development of site plans for historic localities;

- provide a comprehensive regeneration of historical areas of settlements;
- conduct a survey of condition of monuments of landscape art, take measures for their conservation and use;
- conduct studies to explore the historic cemeteries, graves and memorials, to take measures for their conservation;
- ensure the implementation of a monitoring of cultural heritage; and
- develop and apply non-destructive methods of research of archaeological monuments using special technologies, machinery and instruments.

## **7. The resource support of immovable cultural heritage preservation.**

### **7.1. European model of public-private partnership.**

A key priority of modernization of the legal framework should be qualitatively new substantial filling of not only laws but also regulations issued for their implementation. Thus, the mechanisms laid down by the Law of Ukraine ***On Public-Private Partnership*** on July 1, 2010 № 2404-VI are still used unsatisfactorily in the cultural sector.

The problem is that the Ukrainian legislation, in particular the Law of Ukraine On Culture on December 14, 2010 № 2778-VI, gives non-governmental organisations that operate in the field of cultural heritage preservation, only a supporting role, without giving them administrative functions. Although there are positive international experience, when non-charitable organisations are given in the management the objects of cultural and natural heritage, which they restore and preserve. They also carry out the educational and research activities, important social tasks.

[http://www.niss.gov.ua/content/articles/files/Kultura\\_Zdioruk-beb1d.pdf](http://www.niss.gov.ua/content/articles/files/Kultura_Zdioruk-beb1d.pdf)

To implement the introduction of the European model of public-private partnership it is planned to attract such funding sources (fig. 9):

- State budget funds;
- city budget funds.
- funds of patrons;
- funds of owners of buildings that are monuments; and
- raised public funds.

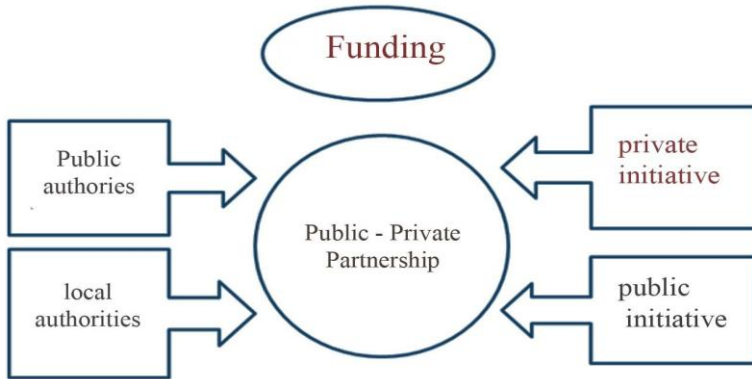


Fig. 9. The introduction of the European model of public-private partnerships.

## 7.2. Resource support in the field of immovable cultural heritage preservation. Establishment of the institution of patronage.

As mentioned above, at least 300 monuments of national importance and more than two thousand monuments of architecture and urban planning require urgent repair and restoration or conservation works. And that's not counting the almost complete destruction of cultural heritage in the regions of Donetsk and Luhansk, which suffered during the war in 2014.

The state in peacetime usually was taking upon itself a significant part of the cost of financing of these works, although it was absolutely not enough. Some of the money for the restoration and repair of monuments is allocated by *charitable organisations*. According to the Unified State Register of charitable organisations, as of September 2009 – 1021 charitable organisations and foundations were registered in Ukraine. If in the previous period charitable activities in Ukraine developed slowly, and charity events often were taking place at the expense of foreign funds, then recently the volumes of charitable activities increase due to the contribution of domestic patrons, who begin to play a key role in this area. [9]

Back in 2005, the general fund of private charitable projects in Ukraine amounted to only 4 million USD, with 95% of this money came from the USA and Canada. And in 2008, for exam-

ple, only one Fund Development of Ukraine spent on charitable purposes 142 million hryvnias<sup>31</sup>.

The predominant part of the funds to charity is allocated by the representatives of big business. At the call of the President Viktor Yushchenko, a number of businessmen donated tens of millions for the rehabilitation and reconstruction of monuments - in particular, the buildings of St. Sophia Cathedral in Kyiv, Hetman's Palace in Baturyn, and others. 17 representatives of big business allocated 5 million USD on the restoration of the former residence of the hetmans of Ukraine - the town of Baturyn. Among the patrons were Viktor Pinchuk (Interpipe), Serhiy Taruta (Industrial Union of Donbass), Eduard Shifrin (Zaporizhstal) and Vadym Novynsky (INHOK). The company Zaporizhstal allocated 5 million hryvnias to the revival of the island Khortytsia, Rinat Akhmetov allocated about 1 million hryvnias on the reconstruction of Orthodox churches of Donbas, the UMB Corporation allocated 600 thousand hryvnias on the restoration of St. Sophia Cathedral.

Active support of programs on preservation of historical and cultural heritage implements the International Charity Fund Ukraine 3000, which founded a number of programs. In particular, such directions should be mentioned: "Unique Ukraine", which aims to protection, research and popularization the concrete monuments of material and spiritual culture of the people of Ukraine (museum collections, monuments of architecture, archaeology, history, folk traditions and crafts, etc.) ; "The lessons of history" involves working with complex phenomena or periods in history and culture with a view to their understanding and evaluation from contemporary positions; "Support Program for Museum Workers of Ukraine." Every year the financial support for projects of historical direction increases. Whereas in 2007 the International Charitable Fund Ukraine 3000 allocated for these purposes 435,859 hryvnias, it allocated 970,679 hryvnias in 2008 [9;35].

The legislation provides tax benefits related to exemption from payment for land reserves, museums and other cultural in-

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<sup>31</sup> Philanthropists urge to cut "taxes on kindness" [Electron. resource] // Foundation of Rinat Akhmetov "Development of Ukraine" [website] - Access: [www.fdu.org.ua](http://www.fdu.org.ua)



stitutions and the preferential taxation of profits, if the monuments protection activities are conducted. However, it is also necessary to resolve the issue of encouraging of individuals and legal entities to participate in financing activities for the conservation of cultural heritage objects, including through the provision of benefits.

National Security and Defence Council of Ukraine coordinates and controls the activity of the executive authorities on realization of Strategy and, taking into account changes in the environment, makes proposals for its elaboration and resource maintenance to account for the preparation of the draft State Budget of Ukraine for the next year.

### **7.3. The status of legal regulation of charities. Tax exemptions for heritage project development and restoration work**

Ukraine has adopted a number of laws, which implement the legal regulation of charitable activities. Charitable activities are regulated by the Laws of Ukraine On Citizens' Associations of 16 June 1992 № 2460-XII; About Charity and Charitable Organizations from July 5, 2012 of No. 5073-VI; On Companies' Income Taxation of 22 May 1997 № 283/97; On Humanitarian Aid of 22 October 1999 № 1192-XIV; On Credit Unions of 20 December 2001 № 2908-III and others. Financial aspects of charitable activity reflected in the laws On Corporate Profit Tax from 28.12.1994 № 334/94-Verkhovna Rada, On Personal Income Tax from 22.05.2003 № 889-IV, and others.

However, it should be noted that the regulatory framework in the field of charity is now outdated; most of the laws were adopted in the 1990s. This considerably hinders the development of charitable and patronage activities in Ukraine. According to sociological studies conducted by the Kyiv International Institute of Sociology commissioned by the Network of civil action in Ukraine in June 2008, in 2008 about 12.9 million of Ukrainian citizens were in need of charitable help. Only 20% of those who needed help or nearly 2.6 million of citizens have been able to get it. One reason for this was the imperfection of charitable and tax legislation.

A number of paragraphs of domestic legislation in the field of charitable activity partially or fully do not comply with the European and international standards.

The current legislation of Ukraine *partially corresponds to the EU legislation in items:*

- exemption from taxation of income of charitable organisations from economic activity; and
- granting tax exemptions to corporate donors.

Ukrainian legislation *does not correspond to neither international nor European legislation in items:*

- taxation of charitable activity to value added tax;
- provision of tax exemptions to individual donors; and
- exemption from taxation of income of beneficiaries-individuals.

It is clear that the last three items require changes in legislation on taxation and administrative and judicial practices of Ukraine as a priority. It should be noted that the adaptation of national legislation to the standards of EU legislation in the field of taxation of charitable activity of VAT is an international legal obligations of Ukraine.

For development and support of reforms in the area of charitable and tax legislation by improving and amending the laws About Charity and Charitable Organizations, On Companies' Income Taxation, On Personal Income Tax, On Local Taxes and Fees, there was created a coalition of charitable and non-governmental organisations, among which are: Forum of philanthropists of Ukraine, Foundations Eastern Europe, Development of Ukraine, Revival, Sweet Home, Foundation of princes-philanthropists of Ostroh, Civil Society Institute, Network of development of European law, Ukrainian Centre for Independent Political Research, Centre for Philanthropy. With the support of these organisations at the end of 2008 as part of the preparation of proposals to the Ministry of Culture and Tourism of Ukraine regarding the government bill About Charity and Charitable Organizations, a number of round tables were held. Within the framework of expert discussions the main problems in the field of

charitable legislation were identified and possible solutions were formulated<sup>32</sup>.

We can name *the main problems of charitable and tax legislation*:

1. The lack of effectiveness of tax incentives for donors of charitable activity<sup>33</sup>.

2. The unclear definition of attributes of the main activity of the charitable organisation, which enable to obtain a non-profit status. Charitable organisations in accordance with current legislation may conduct economic and main activity, but what kinds of activities relate to main activity - to that, which is exempted from income tax - the law does not clearly sets. This gives grounds to the tax authorities to refuse charitable organisations in the provision of non-profit status, to deprive of this status in the case of receipt of income from activities that is not recognized as a main.

3. Imperfection and inconsistency of norms of the legislation on the taxation of recipients of charitable help.<sup>34</sup>

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<sup>32</sup> Philanthropists demand to cut taxes "on kindness" [Electron. resource] // Foundation of Rinat Akhmetov Development of Ukraine [website] - Access: [www.fdu.org.ua](http://www.fdu.org.ua)

<sup>33</sup> The current tax legislation of Ukraine sets for corporate donors tax incentives in the amount of not less than two and not more than five per cent of the profit for the previous financial year. According to most experts, the connection between the support of charitable activities and the presence of profit in a particular year is not justified. Firstly, it is in fact deprives the donor of the legitimate right to transfer these costs in the next five fiscal years. Secondly, the costs of supporting of charitable activities in many public spheres should be included in gross expenses of enterprises regardless of the presence of income. In addition, no European country has set a minimum percentage of revenue or profit, donation of which on charity provides to corporate donors the right on tax exemptions. After all, it entails an artificial conflict between the interests of shareholders (owners), beneficiaries and financial reporting requirements, that it is often makes donors to overstate the size of donations [9].

<sup>34</sup> The current legislation does not establish a clear size of charitable aid, which is exempted from taxation. For its definition in the law "On Tax on Income of Individuals" should be analyzed at least five provisions that are inconsistent with each other. In this case, the tax service consistently adheres to the interpretation that the privilege concerns the amount of charity aid during the year, not a month, although the total taxable income is determined for both periods.

4. Inability to obtain the tax credit. The subjects of charitable activity in Ukraine are deprived of the right to a tax credit for the cost transmitted to the charitable activities of goods and services. This also applies to the restoration branch. The problem is aggravated by the fact that the real rate of value added tax in Ukraine is the highest among the countries that have introduced this tax. In addition, in Ukraine is not applied a reduced rate of VAT, as required by the legislation of the European Union.

5. Availability of territorial status of a charitable organisation. If the charitable organisation has a district or regional status, it can operate only within a given administrative-territorial unit.

6. The uncertainty of the legal status of charitable foundations, institutions, sponsors and patrons.

***To solve these problems we can propose the following steps:***

1) make changes to the tax incentives for donors by increasing the percentage of taxable income (profit), which is included in the gross expenses or tax credit of donors (up to 10-20%, as in most EU countries); exempt from taxation a certain percentage of the sum of individual donations without limitation of the total amount; establish an alternative tax base for tax-exempt charitable contributions within one per cent of gross (total) income and / or the individual costs<sup>35</sup>;

2) exemption from taxation of income from main activity within a certain maximum amount, or a percentage of the total annual income of a charitable organisation or income from activities which are exempted from value added tax;

3) establishment of clear criteria for main activity (no more than 40% of the total income of the charitable organisation for three years should come from economic activity);

4) extend to the subjects of charity the right to a tax credit to reduce the rate of value added tax;

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<sup>35</sup>UCIPR materials of Round Table, "How to tax charitable activity? European standards in Ukraine." December 23, 2008 [Electron. resource] // Ukrainian Center for Independent Political Research [website]. - Access: <http://www.ucipr.kiev.ua/modules.php?op>

5) increase the fixed size of tax-exempt charitable assistance to individuals; increase the size of exempted assistance in accordance with the size of the subsistence minimum;

6) cancel demands on the territorial status of charitable organisations; and

7) determine the special aspects of the legal status of charitable funds and institutions, sponsors and patrons.

In addition to amending the Law About charity and charitable organisations and tax legislation *should be also adopted the Law on Patronage*. The term "patronage" is mentioned in Article 1 of the Law of Ukraine About Charity and Charitable Organisations as a specific form of charity, but its main characteristics is not defined. The edition of the draft Law On Patronage № 6176 from 22.09.2004, which was developed by the Ministry of Culture and Tourism of Ukraine in 2007, already has not only developed terminology for philanthropic activity, but also the system of state protectionism of the stimulating the development of this branch. After appropriate revision and harmonization with the provisions of the Law About Charity and Charitable Organizations this project should be submitted to the Verkhovna Rada.

#### **7.4. New forms and trends of charitable activity.**

While making amendments in charity and tax legislation systems, the European and universal statutory provisions that stimulate the development of modern patterns and charity affairs growth tendencies should also be taken into an account.

Among these:

1) *Percentage philanthropy* - is a law principle among some Eastern Europe countries, the essence of which is an opportunity to redirect 1% of the paid tax for the social or cultural necessities directly to the certain field organisation. This charitable help granting mechanism is an effective engaging way for population stratum that supports elaboration and formation of responsibility for culture among citizenry. Percentage philanthropy encourages the formation of civil society and promotion of charitable help among wide ranging demography.

2) *Venture philanthropy (VP)* - is a charitable activity sphere, in which private property / venture capital patterns are used in unprofitable and voluntary sectors. European Venture

Philanthropy Association suggested the following definition: VP - is a current charity policy, wherein venture capital principles, such as long-term investment and practical support, are used in social sphere. Venture philanthropists collaborate with a wide range of organisations which have distinct social aims. These could be charitable institutions, social enterprises or socially focused business with an organisational form which corresponds to legislation and cultural principles of a certain country [36].

3) **Endowment** - a sum of funds or specialties, which benefactor deposit into bank or non-bank monetary institution, thereby charitable help acquirer gets entitled to use interests or dividends accrued on the endowment amount. Therewith the acquirer has no right to spend or dispose the main endowment amount without benefactor's permission. In fact, all major cultural institutions, museums, Western welfare fund have endowment that make up 10-15% of an annual income.

Therefore, finding investment for cultural heritage protection, research and restoration of monuments must be based on tax and government incentives system, preferential bank loans granting to patrons and heritage users for its recovery and renewal.

The priority allocation areas of charitable donations for immovable cultural heritage conservation should be measures aimed at immovable cultural heritage protection within the locations of historic buildings; repair and restoration activities at the immovable cultural heritage sites are under destruction threat, address determined in particular.

## **8. International cooperation in the field of preservation and development of immovable cultural heritage.**

### **8.1. An anti-crisis program of the post-war recovery. "Marshall Plan" for cultural heritage.**

As a member of international institutions, Ukraine bears liability to the global community for the preservation of cultural heritage.

Anti-recessionary route plan may include:

- Realization of a World Congress on conservation, rehabilitation and restoration of cultural heritage of Ukraine, in Kyiv, 2015
- Adoption of an appeal to the international community;

- Implementation of "Marshall Plan" on cultural heritage: trainings, assistance in technical support and inventory methods.

Unfortunately, savage war led to the destruction of many buildings that deserved to be considered as "cultural heritage". Residential buildings, churches, castles, universities, schools, theatres, libraries and museums - this is what represents a true cultural identity and must be restored.

Taking into account massive despoliations and destructions, occupation and Ukrainian heritage looting and huge financial needs, a *reconstruction fund*, similar to the *American Marshall Plan*, should be established and sustained by the rich countries.

Western European countries bear responsibility for the Eastern and South-Eastern periphery of Europe, which occasionally suffered enemy invasion for centuries. Devastation affects all countries of the European Community and thus causes great damage to the cultural heritage of the continent.

Post-war recovery should become a prime focus, it should be a priority and advanced methods should be used to protect those affected.

An important role should be assigned to the *consultants*; their actions should be aimed at restoring the demolished heritage and historical areas, concentrating consideration for people and their needs.

A *network of information centres on reconstruction and restoration problems* should be established, which will function on interdisciplinary basis, including universities' units, contracting organisations, urban planners, architects, cultural heritage experts, etc. The purpose of this network is a direct experience exchange.

*Partnership agreements* between cities and local communities have to prove their competence in times when assistance programs are especially indispensable.

*With regard to the urgency of the question - "old buildings restoration or new buildings construction", the following aspects should be considered as priorities:*

What is the emotional value of destroyed or heavily damaged buildings to the inhabitants? In what way the destruction and damage levels of buildings are associated with the identification of the city, village or region?

Is it possible to keep some of the old buildings' parts while reconstruction or it's easier to destroy and rebuild it anew? It should always be born in mind that only high quality architectural buildings that were rebuilt anew may excuse the decision making.

Anything possible must be done to keep the original building materials for any restoration and reconstruction work.

To which extent the rebuilt architecture, which corresponds the structure and language of our time, is compatible with historically valuable substance?

Even though they are not in any way related to war, the typical examples were reconstructions after the fire at Windsor Castle<sup>36</sup> and the Vienna Hofburg Palace<sup>37</sup>.

Even if the reconstruction object is a heavily damaged ordinary building, an expert verdict is required in order to decide: whether to allow the bulldozers to demolish the damaged house or eventually preserve it.

Urban Communities and Local Administrations of monument conservation must arrange **storages for unorthodox building materials**. After World War II, many buildings have been restored through the use of refined old bricks.

There is a point of view, that supposedly only globally significant cities must have the advantage during the international campaigns on cultural heritage support and that the less-known villages and communities may be ignored or excluded.

It is necessary to take into account the experience gained in *Friuli* (e.g. in *Venzone*<sup>38</sup>) and Armenia (*Leninakan*<sup>39</sup>).

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<sup>36</sup>The restoration after a fire in 1922 was one of the largest, that is when Windsor Castle acquired modern features, with the new interior of St. George's historic hall. Also, the new Jubilee Garden was laid out in honor of the golden jubilee of Queen Elizabeth II

<sup>37</sup> After the fire in 1992, Reduten hall buildings were partially restored preserving the historic appearance; the hall was partially upgraded and equipped with modern technical equipment for congresses' holdings. The hall was reopened in 1998.

<sup>38</sup> In 1976, there was the most destructive earthquake in history of north-eastern Italy. It dashed through the most of Europe, but mostly affected the area of Friuli-Venezia Giulia. It destroyed 35 cities, killing 935 people, another 2280 were injured. Venzone was completely destroyed.



Once a disaster has occurred, it is essential that the emergency help is being organised to primarily ensure the protection of civilians, and then is sent to the salvation of buildings and their structural parts and other precious art pieces as murals, elements of artistic composition, etc., which must be included and catalogued.

While selecting applicants for contracts signing, preference should be given to companies with reconstruction and restoration experts on their staff. In case of both the restoration of old and the construction of new buildings, tested construction methods and earthquake-resistant structures building expertise should be applied.

For post-war reconstruction or restoration after an earthquake, those nations which avoided the disasters, are designed to provide humanitarian aid and all that is essential in order to ease their fellows' suffering, so that they can recuperate for the new beginnings. These complicated tasks require international solidarity.

## **8.2. Cultural cooperation and exchanges.**

Modern European culture – is primarily the civilizational patrimony. But apart from developed cultural traditions, rooted in everyday life and daily activities of the Europeans, the attractive part of the European experience is that culture in European coun-

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Almost all city residents died. The reconstruction of the city started in 1977 and ended only in 1990. Venzone was rebuilt stone by stone. A part of one house was preserved as a reminder of the tragic events of 1976. The Reproduced Town Hall (1390-1410) is now a history museum of Venzone.

<sup>39</sup>The 1988 earthquake completely destroyed city of Spitak and 58 villages and partially destroyed Leninakan (now Gyumri), Stepanavan, Kirovakan (now Vanadzor) and more than 300 settlements. According to official data, at least 25 thousand people died and 19 thousand people were permanently disabled. General Secretary Mikhail Gorbachev, who was visiting the United States at the time, asked for humanitarian aid and discontinued his visit to go to the hardest hit parts of Armenia. All Soviet republics participated in the restoration of damaged areas. A total of 111 countries, including Israel, Belgium, Great Britain, Italy, Lebanon, Norway, France, Germany and Switzerland, assisted the Soviet Union by providing rescue equipment, specialists, food and medicines. They also assisted in the restoration works.

tries is the sphere of responsibility, except for national governments, and also many reputable international organisations, such as UNESCO, Council of Europe, and European Union institutions, which altogether with community organisations develop and implement cultural policy mechanisms. And this responsibility is not formal; it has positive practical effects on national cultures.

As an object of study, *the cultural policy of the European Union* can be viewed from different perspectives:

- it may be essential for Ukraine as a source of valuable experience that can be used in the analysis of the prospects and consequences of certain changes in the humanitarian field; and

- it may contain favourable conditions for incorporation between Ukraine and Europe, stimulating internal developments of the cultural industry.

On the other hand, Ukraine is interesting for Europe because of the richness of its own culture, both traditional and modern. The conversation on integration of Ukraine into the European humanitarian space, which is a part of the European integration process in general, is impossible without consideration of cultural cooperation and cultural exchanges importance.

Overall *presentation of Ukrainian culture in the world*, and particularly in Europe, can be reached on several levels:

- The establishment of accordable information and cultural institutions in European cities;

- State support for certain common cultural and art projects initiated by civil society; and

- Programs and projects support of the European Commission and the Council of Europe.

Ukrainian culture centres are operating in areas densely populated by Ukrainians. Traditionally, these centres are activity cores of the Ukrainian Diaspora. This means that their employees and volunteers are usually represented by an older generation. Therefore, educational, folklore and historical programs prevail among others.

Upgrading existing centres, it must be kept in mind that their initial purpose was to satisfy the needs of the Ukrainians abroad rather than represent Ukrainian culture abroad.

In order to trigger some interest and open prospects for cooperation in the art and culture field, the following issues must be considered:

- To raise the prestige of our country, young professionals, including cultural industry managers, should be involved internationally in a work of certain institutions; and

- It's unnecessary to place the institutions in the capitals, the attention should be paid to the cities, which may share cultural ties with Ukraine, but are not official centres or cities with a large population.

The participation in European projects initiated by the Council of Europe, the European Commission and other major EU institutions, makes it possible not only to integrate into European culture, but also contributes to the development of modern mechanisms of interaction between government and the public. In particular, the European Commission program European Capital of Culture cannot be implemented outside of this interaction. This and similar European initiatives involving a combination of social activism (and not only cultural activists are interested in realization of similar projects, but also residents of the participant cities) and the authorities, supporting a wide range of public discussions by corresponding readiness of state institutions to respond to the public offers and concrete steps to promote their implementation.

For example, at the stage of preparing strategies to participate in the *European Capital of Culture* in Poland, Gdansk, Lublin, Katowice, Warsaw and Wroclaw competed with each other. Wroclaw won; the city will receive an award of EUR 1.5 million and promote Polish culture in Europe in 2016. Along with Wroclaw, the European Capital of Culture function will be also performed by one of the Spanish cities.

Significantly, the Lublin set a precedent, preparing an application for the competition, proposing the European culture month in the Ukrainian city of Lviv.

Another important Ukrainian project is a pilot project of the Regional Program Kyiv Initiative a part of Council of Europe and the European Commission *Cultural Heritage Rehabilitation of Historic Cities*, the implementation of which is also provided by the Ministry of Culture and representatives of executive power at the regional level. The peculiarity of the project is that the ap-

proach to heritage is not limited by measures of studying, accounting, museification, protection and restoration of cultural heritage. It is seen as the most effective tool in support of local communities' needs, jobs creation, tourism attractiveness, and investment attraction.

However, the Ukrainian state, no matter how rich its culture is, will not be able to get an international prestige, if it only acts as a participant of the European cultural initiatives. Now the question is, what initiatives Ukraine itself can introduce, in addition to a passive or even active participation in international projects. Among them may be the *education programs invitations, with the provision of scholarships for participants, or creative programs, which include artistic exchange.*

For example, Poland has created an interesting precedent by establishing the Villa Decjusza scholarship program in Krakow. Poland pays artists to stay in the country for a certain time period, the sum makes 3 thousand PLN (EUR 750) monthly, for which the artist is supposed to "pay back" to Poland by assisting in the organisation of recitals, meetings, seminars, and in establishing contacts with publishers and literary critic of his country.

Of course, it is difficult to allocate funds from the state budget to implement such projects, but native professionals in the cultural policy field would be quite able to show their organisational capacity, initiating call for proposals in a particular culture sphere, providing a certain benefit system for private investors, who are participating in it.

An establishment of the *National Award glorifying the foreign leaders in any field of culture or the arts* would contribute to the growth of the country's prestige. Such an award would tell the world about Ukraine, would prove its cultural level and a wide range of interests. Annually, Ukrainian writers jealously discuss one question: who can be nominated for the Nobel Prize in literature. But the very first association caused by the Nobel Prize, is an association with Sweden, its cultural traditions. It's time to think about establishing a Ukrainian award for non-Ukrainian art and culture contributors, which will raise the credibility of our country and encourage interest in its traditions.

However, it should also be noted that at the level of a state policy it is important to strike a balance between the *understand-*

*ing of culture as prestige* (international level project-presentations, the national "business cards" investment, which can be represented by cultural buildings in the downtown area, especially in the capital) and as *internal interests of citizens*, so-called everyday culture in towns and villages. Ignoring this interest, even in favour of culture as prestige, is unacceptable. Instead, a combination of high and mass cultures, professional and amateur cultures is a task which is solved by the social function of culture under the conditions of calibrated planning and skilful implementation of cultural policy. It will be appropriate to summarize this with a statement of well-known experts in the cultural policy field, which notes that the state should not act as a cultural values arbiter; instead, it should moderate certain public debates and discussions.

[http://www.niss.gov.ua/content/articles/files/Kultura\\_Zdioruk-beb1d.pdf](http://www.niss.gov.ua/content/articles/files/Kultura_Zdioruk-beb1d.pdf)

### **8.3. Attracting international experts for the resolution of the most important issues of urban cultural heritage preservation.**

The integration process in the global community, acceleration of the "establishment" of national systems, targeted at external influence, formed the necessity for unification of national legislation. The improvement of the public administration system, efficient monitoring of heritage policy are the main factors to enhance the protection level of the Ukrainian cultural heritage.

Therewith, the excessive openness towards market and global processes, which are rather dangerous for national culture, should be prevented. Cultural heritage protection is a state's priority and requires informal adherence to international acts and relevant adaptation of global standards with due regard to national traditions. The specific elements of the global and national cultural property protection should be combined into a relatively coherent system. And the evolvement of international cooperation will help to transform and improve the heritage protection system, the essence of which will be determined by the formula "preservation through development, development through reservation."

The usage of educational and academic provisions ensures sustainable tourism development at the local level. Conducting seminars, round table discussions and conferences are to form

constant monitoring of domestic and international tourism markets and the local tourism resources condition.

## **9. The popularization of the cultural heritage preservation. Social and educational programs.**

### **9.1. A comprehensive program for the improvement of specialized professional education in the field.**

It is necessary to hire and train staff for cultural heritage protection sphere and to improve their skills. This should be achieved by:

- the introduction of expert restorers certification (scientists, project engineers, manufacturers), followed by its systematic staging – (National Union of Ukrainian Architects);

- the introduction of expert researchers accreditation in the sphere of archaeological monuments protection, followed by its systematic staging;

- training and retraining of specialists in monuments protection in educational institutions of all accreditation levels;

- the development of *the specialties list in the cultural heritage protection field*, including scientific and educational institutions of all accreditation levels;

- *the training of professional restorers* in higher education institutes, their skills improvement in the local specialized restoration organisations and assistance in their training in other countries' organisations and institutions (including Ministry of Education and Science, Ministry of Culture, the National Union of Architects of Ukraine, Ministry of Foreign Affairs);

- *preparation and publication of textbooks* and guidance manuals for the experts on heritage protection and restoration affairs.

### **9.2. Enhancing the role of the public and community organisations in the development of cultural heritage.**

Monuments preservation is a governmental responsibility, but therewith it cannot dispense with public support. Thus, National trusts play an important part in the US and Canada, dealing with places of historical-cultural and natural significance. Those get special immunities established by parliament and congress, benefits in property taxation and business activities.

Non-governmental partnerships, associations, foundations, having dense public intercourse through the media and educational institutions, largely influence the formation of governmental cultural policy in general and monument protection business in particular. Charity is supported by government institutions and charitable contributions are getting free of taxpaying. Real estate, which is transferred by the owner in trusteeship of the charitable company or fund, is exempt from inheritance tax.

***Ukrainian Association for Protection of Historical and Cultural Monuments***, founded in 1966, as well as creative unions, like the ***National Union of architects, artists, journalists***, which have a certain influence on public opinion, are the most powerful non-governmental Ukrainian organisations. The NGOs contribution to the study, identification, protection and preservation of the monuments is quite significant. However, they are effectively deprived of state support; their legal status does not allow them to have influence on problems arising in the monument protection field. Attracting public attention to the issue of the national cultural heritage status is one of the main tasks set by the current civic organisations.

The creation of a united community centre on the cultural heritage research and preservation under the administration of the National Union of Ukrainian Architects for volunteer and student activities coordination, constant monitoring of historical areas, measurements and accounting cards preparation, schematic design of regeneration projects, will attract citizens to heritage protection sphere.

***The Radomyshl Castle renovation*** is a unique example of historic heritage restoration by means and efforts of individuals.

<http://rcchd.icomos.org.ge/?l=E&m=4-4&JID=3&AID=28&12>

The abandoned mill, converted into the "Radomyshl Castle" is a museum of home icon, holding an exhibition called "The Soul of Ukraine", which consists of over 5,000 icons from the 17th-20th centuries from all regions of Ukraine; it has become an example of a frequently visited private museum. Nearly twenty thousand visitors have attended the museum since its year and a half establishment. Excluding the museum, nowadays the castle disposes a functioning exhibition hall for variable exposures, a concert hall, a ceremonial hall for newlyweds, a hall for conferences

and seminars, a bed-and-breakfast hotel, with 18th-19th centuries interior, a rebuilt paper-mill.

Today, the historical-cultural complex "The Radomyshl Castle" is a majestic architectural building with a total area of 2,500 square meters, combining several prominent historical roles, such as fortification, the ancient paper factory, the museum of Ukrainian home icons, a landscape park, a sculpture park, a monument built on water.

The architectural ensemble designed in the style of fortifications, with its inherent asceticism, grandeur, and functionality. The concert hall is designed for chamber music; its acoustics meets the highest European standards. Well-known musicians and singers have performed in this hall.

A participant and Ukraine's primary winner of the Council of Europe's project "Via Regia – European Cultural Route", "The Radomyshl Castle" is one of the most interesting tourist sites of cultural journey, which intersected eight European countries 1,500 years ago.

"The Radomyshl Castle" continues dynamic social work, cooperating with young artists, sculptors, folk artists, collectors and patrons on arrangement and realization of workshop sessions, exhibitions of historical, cultural and art items. Both young and prominent Ukrainian artists visited recent plein-air paint-outs. Students of cultural and religious universities prepare their course works in the castle halls.

***A comprehensive approach to heritage*** popularizing includes a wide range of possible forms of applications, these are:

- publications and statements in the media;
- public events and actions realization, including protests;
- information stands creation; and
- arrangement of topical exhibitions.

The activation of Ukraine in international and pan-European processes, the formation of concept of our state as a country with rich cultural heritage requires information and promotional efforts to increase the international authority of the state.

However, the main objectives are ***the upbringing of cultural mentality among the Ukrainian society; the raise of awareness about the necessity of cultural heritage protection, the fight against vandalism.***



The state policy should make education in the field of cultural heritage protection one of the key elements of the national development strategy.

### **9.3 The social program on cultural heritage preservation.**

The historic environment, the immovable heritage of Ukraine is now also a *social security subject*. Even the state's conservation sphere was eliminated; the budgetary funding, which thus far is carried out under the residual principle, and is entirely impossible during the economic crisis and the military situation.

Therefore, social programs on the preservation, enumeration and promotion of cultural heritage, which involve the general public, are becoming the most urgent ones nowadays.

What does the program propose?

In strategic terms – the transition from individual monuments protection to the preservation and development of the environment in general (Cultural Heritage Development vs. Preservation), its active adaptation for modern needs, creating conditions to preserve historical memory.

The involvement of the general population, including young people, volunteers and professionals at various levels, patrons, politicians to cooperate at all stages in the heritage sphere.

The first stage is *the detection of new sites and monitoring of the existing ones*. Experts-volunteers, local historians, architects, restorers and all those, who are not indifferent to historical heritage, conduct on-going monitoring and identifying new objects of cultural heritage.

Carried out through social networks, electronic publications and other media, the promotion of these activities will gradually raise the importance and value of each inhabited locality with its unique history and underappreciated heritage objects.

Such studies can be conducted in a format of weekend routes, with short breaks to introduce the site's history within each region or district.<sup>40</sup>

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<sup>40</sup>Similar work has already been carried out, for example in Kyiv Oblast under the supervision of I. Bykov and O. Oliynyk.

The information and photo fixation on identified monuments should be sent to the Unified community centre on cultural heritage studying and preservation created now under the administration of the National Union of Architects of Ukraine.

Here experts-volunteers preliminary research it, processing and systematizing data.

The second stage – ***measurements, photo fixation and preparation of accounting cards***. First and second course students of specialized universities (architects, designers) can conduct measurements of newly discovered objects, collect and complement the historical background and make index cards within the frames of their practical training on measurement.<sup>41</sup>Next, the accounting information is transmitted to the Cultural Heritage Protection Department, where these items are included in the Register. To speed up the process, the Citizens expert councils may be established (expert councils with such authority exist only within some civic institutions).

The third stage – ***the development of restoration projects, certificates and passports***. Senior students draft certificates of objects, convert measurements into electronic form, and, if necessary, construct three-dimensional models. Drafts on customization, restoration and adaptation of individual objects are elaborated within the course and diploma projects; regeneration projects of quarters and environment.

In the first place, the priority in the development of such programs should be aimed at ensuring the rights of the environment, as the bearer of the nation's historical memory and the people, who residing or enjoying these monuments<sup>42</sup>. Projects are

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<sup>41</sup> This pilot project was initiated in June 2014 under the practical training on measurement of NAU design students, who had measured and drafted cards of five newly discovered objects. The task was carried out in five groups with different numbers of students - from three to ten - depending on the complexity of the object. Each group was led by a teacher or an expert restorer. Sessions on safety and fieldwork skills were held preliminary, also a list of necessary equipment and transportation were provided.

<sup>42</sup>YuriyFedkovych National University of Chernivtsi also sponsors research into measurement methods and graphic fixation of monuments on the subject of their study and restoration into its program.

submitted to the Expert Councils, which, in turn, select projects for the implementation.

Even the implementation of these preliminary stages will provide for documentation on most monuments, and, therefore, the possibility of their reconstruction or restoration, if the monument is undergoing some losses.

The fourth stage – *finding sponsorship for the monuments' conservation*, which should be based on the development of certain tax benefits, franchising of banking accommodations for heritage users to conserve and restore it.

However, it is possible to attract private funds - not investors, but patrons.

It is referred to the revival of the institute of patronage and the holders' encouragement with the help of state benefits and bonuses. Therefore, it is possible to conduct social sales promotion among the more well-to-do Choose Your Monument: each monument, which needs protection and aid, is assigned to a certain person, institution or enterprise that will retain, renew and restore it under the approbation of the approved project. The plaque with the names of patrons will be installed at the building's facade; the state will create conditions for social heritage protection.

Thus, the Program's objective is *the development and preservation of Ukraine's historical and architectural environment with active involvement of the general public* for research, monitoring, restoration projects' development and efficient use of immovable cultural heritage objects, as well as private funds for social protection and projects' implementation.

Each territory of Ukraine is potentially attractive and unique; it is a source of revenue from tourism, a way of involving local population and increasing patriotism.

#### **9.4. Popularization of heritage preservation and related charitable activities.**

A major problem in the context of charitable activities popularization is an insufficient level of coverage by the media, and thus insufficient public awareness of charitable events. Opinion

polls conducted by the Democratic Initiatives Foundation<sup>43</sup> show that the information content of the media on charitable activities' issues from 2006 till 2010 gradually decreased – the role of television decreased by 13%, the press – by 12%, radio – 8% (but the role of the Internet increased to 5%). Some of the respondents (18%) believed that the information on charities and social activities at the time was, in fact, virtually absent.

Studies also indicate the ambiguousness of population's thoughts on estimates of charity: while 35% of respondents believe in success stories about charity, 33% do not; the rest could not give a definite answer. Therefore, low awareness is in the way of the overcoming of negative stereotypes and the forming of a positive attitude to charity in the public mind. The lack of the authorities' interest in supporting charitable activity must also be noted.

It is worth mentioning that the unprecedented rise of patriotism among the Ukrainians during the events of 2014 led to an outbreak of charitable activities, but the vast majority of population's charitable funds are spent on the needs of the army, the war wounded, and sick children. However, we should not forget that Ukraine's historic environment and the immovable heritage are now also the subject of social security and have the right to be involved into social programs as well as socially vulnerable groups – the disabled, the children, and the elderly.

Special attention should be paid to enhancing *the public image of prestige statuses such as "benefactor" and "patron"*. France, in particular, has one of such incentive mechanisms, which is an annual sponsorship prize «Les Oscars», founded in 1980 by the independent organisation Admical. The award has a national status, and its main goal is to encourage the development of philanthropy in cultural sphere.

In Ukraine, similar initiatives are performed by a number of NGOs and foundations. In particular, the Ukraine 3,000 International Charitable Foundation, the National Charity Foundation Children's World, and other structures are organising the compe-

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<sup>43</sup>The results of a nationwide survey of "Charitable Ukraine: practice and attitude of the population of Ukraine to charity" [Electron. resource]. Access: <http://www.philanthropy.org.ua/filestorage/File/Survey.pdf>

tition The Philanthropist of the Year, and the contest The Art Patron of the Year, named after the Tarnovsky family of art patrons, has been launched in Chernihiv.

Using the relevant presidential decree, it would be appropriate to organise an annual competition "Patron of the Year", adopting national awards for charitable and patronage activities that would be given personally by President of Ukraine with media coverage.

A mechanism for greater involvement of private money should be introduced; it should involve benefactors, not investors. Investments in historical heritage are dangerous things for heritage conservation; investing in the development of the cultural heritage you shouldn't set a goal of getting the profit. Therefore, it is referred to the revival of the Institute of patronage and holders' encouragement in the form of civic benefits and bonuses. So, the possible realization of social actions on the cultural heritage protection and development among the wealthy people, who support it, will renew and restore it in reliance on the approved project.

There also must be the preparation and publication of textbooks, books for children and teaching aids for professionals on heritage restoration business.

It is proposed to implement these measures ***on popularization and development of cultural heritage objects:***

- providing scientific and methodological publications, textbooks on research, conservation and restoration of monuments;
- the promotion of social, scientific, project organisations, building materials enterprises, workshops and specialized organisations, which work in cultural heritage protection sphere;
- proposals for new historical-cultural reservations and archaeological parks;
- the museumification of the most valuable and scenic objects of cultural heritage;
- the assistance in the promotion of cultural heritage to become a part of national and international tourist destinations;
- the preparation and publication of information brochures, tourist maps and illustrated guides of museums, parks, and the most notable monuments and historical places of Ukraine (with their appropriate categorization);

- the inclusion of activities to familiarize students with outstanding objects of Ukraine’s cultural heritage and training courses on monument studying into the curriculums;
- the promotion of International Heritage protection foundations’ and organisations’ activities in Ukraine, including the Ukrainian Committee of the International Council on Monuments and Sites (ICOMOS), Ukrainian Committee of the International Council of Museums (ICOM);
- learning of the conditions on accession of Ukraine to the European network of archaeological parks (EXARS) and the International Centre for the study, conservation and restoration of cultural heritage (ICCROM);
- the layout of proposals on amendments to UNESCO’s World Heritage sites list with Ukraine’s cultural heritage objects; and
- the enforcement of international treaties on the monuments protection of Ukraine ratified by the Verkhovna Rada of Ukraine.

The media and the Internet in particular, greatly influence the formation of historical memory of Ukrainian people. But their potential is not fully used.

The efforts of the relevant government agencies must be activated to improve the efficiency of the media use and the Internet in particular, in this field, especially to strengthen public protectionism through the mass ratio of print and electronic publications, to establish a national strategy for the national cultural heritage digitization and digital preservation, including the creation of electronic library funds with Ukrainian books (including monument-themed ones).

The relevant state institutions should develop measures to ensure the integration of national electronic library resources with foreign library funds represented electronically. *The program on popularization of national cultural heritage* should also be developed, including the creation of exhibits in virtual space. These projects’ realization will improve the efficiency of public policy of memory and a positive image of Ukraine as a European country with a rich cultural and historical heritage.

## 10. Priority actions. Conclusions. Expected results

Implementation of the Concept should give an impetus to a positive development in the cultural heritage field. This applies to the public awareness of the necessity to preserve monuments for present and future generations, as an important factor of citizens' patriotic education, the development of the Ukrainians' national consciousness the support of national and cultural identity of ethnic minorities in Ukraine.

The Concept implementation will promote:

- the improvement of the legal framework in the cultural heritage field;
- the improvement of financing measures on conservation and use of monuments, investment in this field, which should provide the reduction of the state budget expenditures on monument protection measures aimed at the conservation and restoration of monuments in 2015 ;
- the development of tourism;and
- Ukraine's joining the European community as a country that takes its international legal obligations in the cultural heritage protection field.

Monitoring the Concept realization shall be implemented by the Ministry of Culture of Ukraine together with other ministries, central and local authorities.

The primary issue is the conduction of the *World Congress on conservation, rehabilitation and restoration of cultural heritage of Ukraine* in Kyiv, 2015, with the adoption of an appeal to the international community. Ukraine needs an analogue of the post-WWII *Marshall Plan for its cultural heritage*: specialists training, technical and inventory methods assistance. Taking into account massive looting and destruction of the Ukrainian heritage and the country's enormous financial needs, a reconstruction fund similar to the Marshall Plan should be established and sustained.

We believe that Western European countries can assume responsibility for the eastern and south-eastern periphery of Europe, which has suffered enemy invasions for centuries. The war and devastation in Ukraine affect all countries of the European Community and cause great damage to the cultural heritage of the entire continent.

An important role should be assigned to the *consultants*; their actions should be aimed at restoring the demolished heritage and historical areas, concentrating consideration for people and their needs.

A *network of information centres on reconstruction and restoration problems* should be established, which will function on interdisciplinary basis, including universities' units, contracting organisations, urban planners, architects, cultural heritage experts, etc. The purpose of this network is a direct experience exchange.

Today more than 300 monuments of national importance are in need of the most urgent and emergency accident-prevention and conservation works.

Considering that the public security for the industry has been and will be insignificant, *the participation of non-financial foundations* in the cultural heritage preservation field should be ensured.

The problem solving in the monument protection sphere, its development and financial support are in need of *improvement of the legal framework*. In particular, a question amending the Land Code of Ukraine, the Criminal Code and the Code of Ukraine on Administrative Offences relating to the responsibility of officials of the executive branch, local governments and individuals for violation of legislation in the cultural heritage field, is now relevant.

It should provide for a system of tax incentives regarding exemption from the land tax reserves, tax income during the monument protection works, but it is also necessary to resolve the issue of encouraging individuals and legal entities to participate in the financing of the cultural heritage preservation, including the provision of benefits.

The system of accounting, usage, conservation, restoration, and museification of cultural heritage objects needs further improvement. So do the procedures of supervision over the performance by the owners, authorized agencies, and users of their obligations regarding the maintaining of the monuments in good condition.



## Glossary

**Authenticity.** According to the State Building Codes A.2.2-6-2008 "authenticity is an attribute (characteristic) of a monument, which consists in the veracity of its conception, design, construction and applied raw materials (substances) and technology, and allows to consider the object as history document and architectural work of art and as the original; significant modifications and additions a monument acquires within its historical development can be seen as a part of authenticity (of a corresponding historical period)."

The term "authenticity" has many meanings and is often used in terms, which essentially contradict each other. Authentic material of the wall captures the non-authentic design of the building, and the authentic design of the building requires the use of non-authentic material for its reconstruction, and so on.

According to the Law On the Protection of Cultural Heritage

**Cultural heritage** – a set of objects of cultural heritage inherited by local population from the previous stages of its development.

**The object of cultural heritage**– a landmark, a construction (creation), complex (ensemble), their parts, moving objects related to them and also territories or water objects and other natural, natural-anthropogenic or man-made objects that brought value of archaeological, aesthetic, ethnological, historical, architectural, artistic, scientific or artistic notion to our times and kept their authenticity.

**Immovable object of cultural heritage**– the object of cultural heritage that cannot be moved to another location without losing its value from the archaeological, aesthetic, ethnological, historical, architectural, artistic, scientific or artistic perspective.

**Cultural heritage monument** (hereinafter referred to as the **monument**)– the object of cultural heritage, which is registered in Ukraine's State register of immovable monuments.

**Cultural heritage protection**– a system of measures to ensure the protection, preservation, usage, conservation, restoration, repair, rehabilitation, adaptation and museumification of cultural heritage objects.

**Subject of cultural heritage protection**– a defining property of cultural heritage, which determines its historical and cultural

value, on the basis of which the object is recognized as a landmark. There is a controversy amidst the definitions: "Subject" is a material thing, probably authentic, and "property" is an intangible thing, and therefore it is not necessarily authentic.

**The change in a cultural heritage object** – actions that result or may result in partial or complete disappearance of the cultural heritage object.

**Territory of a monument** (11.8 and / State Building Codes 360-92 \*\*) – Land parcel of a monument in its historical and natural boundaries. The term is not exactly clear, which enables the ambiguous interpretation.

**Areas of monument protection**– the installed safety zones around the monuments; a building regulation zone, a zone of a protected landscape, a protection zone of an archaeological cultural layer, within which a special usage mode operates to provide an enabling environment for monument conservation.

**Historical habitation**– a city, town or village, which has wholly or partially preserved its historical area with cultural heritage objects and also planning of development and form of housing, related to them, which are typical of certain cultures or periods of development, and are recorded in the list of historical settlements of Ukraine.

**Historical range of a settlement**– a part of a settlement, which has preserved its cultural heritage objects and planning of development and form of housing, related to them, originating from previous periods of development and which are typical of certain cultures or periods of development.

**An area of a protected landscape** – a natural or mainly natural territory which is dispersed with other traditional construction work outside the safety zone, which shares an active visual link with a monument. It is defined for the conservation and rehabilitation of natural areas and communities that are being distinctive historical areas of monuments and play an important role in an image of a settlement or a separate landscape, which contain a monument.

**An area of a landscape monument** – a land parcel on which the monument of a landscape with all its components is situated, and which is associated with it historically and functionally, and

ensures preservation and operation of a landscape monument as a cultural heritage object.

**Conservation** – a totality of science-based activities that help to protect objects of cultural heritage from further damage and preserve their authenticity with minimal interference with their existing view.

**Museumification** – a totality of science-based measures to bring the objects of cultural heritage in a condition suitable for excursion visit.

**Adaptation** – a totality of scientific research, design, survey and production works on creation of conditions for contemporary use of cultural heritage object without changing its inherent properties that are the subject of protection of cultural heritage object, including the restoration of the elements that make up the historical and cultural value.

**Rehabilitation** – a totality of science-based recovery activities of cultural and functional properties of the objects of cultural heritage (bringing them into a condition suitable for exploitation).

**Repair** – here, a totality of reasonable measures on the objects of cultural heritage that provide their functioning, improvement of the technical state and physical preservation in its present form and do not affect the historical substance, structural and decorative elements of these objects and do not change the characteristic properties which are the subject of protection of the monument.

**Repair and restoration works** – a totality of production activities on preservation of the architectural heritage on the basis of scientific and project documentation, which includes conservation, restoration, rehabilitation and adaptation.

**Restoration** – a totality of science-based activities to strengthen (conserve) the physical condition, the disclosure of the most characteristic features, recovery of lost or damaged elements of the objects of cultural heritage with ensuring of their authenticity.

According to State Building Codes A.2.2-6-2008 terms that absent in the law "On Protection of Cultural Heritage":

**The study of the monument** – scientific research and practical activities aimed at obtaining of new information about the object of cultural heritage, its history, historical changes and the character of the environment.

**Scientific and project documentation**– the duly approved totality of the materials for conservation, restoration or rehabilitation works on the monuments, which contain the necessary architectural measurements, natural and archival researches, photographic images, drawings, calculations, diagrams, the rationale for decisions, etc.

**Scientific and project work**– work related to the creation of project documentation for the repair and restoration works on the basis of field and archival research.

**Scientific and design works**– here, a complex of works on research; science-based design decisions and development of design-estimate documentation for the conservation, restoration, rehabilitation, adaptation of the objects of architectural heritage and regeneration of objects of urban planning heritage.

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